

California Regional Water Quality Control Board North Coast Region

DRAFT Order No. R1-2024-0002

General Waste Discharge Requirements  
and General Water Quality Certification for  
Rural Road and Watercourse Construction and Reconstruction Activities  
in the North Coast Region

The California Regional Water Quality Control Board, North Coast Region, (hereinafter Regional Water Board) finds that:

1. This Rural Roads General Order (hereafter referred to as the “Order”) is a permitting pathway to authorize rural road and watercourse crossing construction and reconstruction activities that implement all applicable Best Management Practices (BMPs) designed to minimize road related sediment discharge. The Order creates an effective permitting pathway that cover incidental point and nonpoint source discharges from these activities and will improve water quality, protect rural properties and their inhabitants, and increase regulatory efficiencies for staff and landowners.
2. The North Coast Region encompasses 19,390 square miles, containing over 6,000 miles of rural roads. Rural roads are defined as low traffic roads generally located in forested and rangeland settings that serve residential, recreational and resource management uses. Rural roads may be owned and/or managed by governmental or private parties. Rural roads are an essential component of the transportation system in the North Coast Region. Rural areas commonly lack public transportation and residents depend on their private vehicles to get them to work, school and shopping sites. Rural roads also serve numerous recreational users every year. In emergencies such as wildfire and flooding events, rural roads provide the means for emergency response and evacuation.
3. Many rural roads are one or two lanes wide with natural, gravel or other road surfacing, many of which were originally constructed to relatively low standards, with a limited budget, and intended to support historic land use activities. They may be “legacy” roads originally constructed as railroad grades, wagon trails or historic logging roads. Often, rural roads were constructed in locations that were necessary to match the construction equipment and technologies of the day, and often lacked modern design principles and environmental protection standards. However, many historic road networks have remained on the landscape and now service contemporary land use practices.
4. Rural roads and their associated watercourse crossings are amongst the most significant sources of anthropogenic sediment delivery to watersheds. Total Maximum Daily Loads (TMDL) developed for sediment impaired watersheds, as well as numerous scientific studies, recognize rural roads as being responsible for: 1) increased chronic sediment discharges from hydrologically connected road segments<sup>1</sup>; 2) increased potential for stream diversions (stream channel capture), rill and gully erosion, and shallow landslides, and; 3) discharge of significant portions of earthen material contained in the crossing due

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<sup>1</sup> Hydrologic connectivity refers to the length or proportion of a road or road network that drains runoff directly to streams or other water bodies. Any road segment that has a continuous surface flow path to a natural stream channel during a ‘design’ runoff event is termed a hydrologically connected road or road reach. Connectivity usually occurs through road ditches, road surfaces, gullies, rolling dips, waterbars or other drainage structures or disturbed surfaces associated with roads.

to episodic failures of the plugged or malfunctioning watercourse crossing structures.

5. Implementation of management practices to reduce road related sediment discharges have been on the rise for decades and are continuing to become the standard practice on rural ownerships throughout the North Coast. A proactive approach to road and watercourse crossing construction, reconstruction, and maintenance activities, consisting of implementing current management practices, is effective and essential to controlling sediment discharge from roads as well as preventing road failures that impede critical access to remote areas. Numerous guidance documents or manuals have been developed that provide information on general principles and practical specifications for reducing sediment discharge from roads. One such widely used reference document for planning, designing, constructing, reconstructing, maintaining, and decommissioning roads on forestlands is the Pacific Watershed Associate's (PWA) *Handbook of Forest, Ranch and Rural Roads*<sup>2</sup> (Weaver and Hagans, 2015). The PWA Handbook contains a comprehensive suite of measures for rural roads that Regional Water Board staff consider adequate and necessary to control sediment discharge from roads. Additional guidance can be found from other sources as well, such as the Water Quality and Stream Habitat Protection Manual for County Road Maintenance in Northwestern California Watersheds (5C Roads Manual), California Forest Practice Rules, "Road Rules" (Cal. Code Regs., tit. 14, §§ 923), *Designing Watercourse Crossings for Passage of 100-Year Flood Flows, Wood, and Sediment* (Caferatta et al, 2017), and others. Taken together, such current standard practices can constitute BMPs for roads.
6. Roads on which all feasible site-specific sediment control measures have been implemented, as described in standard references such as the PWA Handbook, are often referred to as "storm-proofed", and generally incorporate the design features summarized below into construction or reconstruction of roads and watercourse crossing:
  - Designing watercourse crossings to minimize the potential for crossing failure and diversion of streams and sizing adequately to accommodate estimated 100-year flood flows (including wood and sediment);
  - Hydrologically disconnecting road segments from watercourses and minimizing concentration of surface runoff by installing drainage structures at sufficient intervals to disperse runoff to avoid gully formation and minimize erosion of the road surface, road fill prism, hillslopes, and inside ditches; and
  - Identifying and treating potential road failures (mostly fill slope failures) that fail and deliver sediment to streams.

Figure 204 on Page 229 of the PWA Handbook provides a summary of the characteristics of storm-proofed roads and watercourse crossings, which serve as performance standards for rural road projects.

7. The California Department of Parks and Recreation (California State Parks) has developed guidance documents for projects on roads, trails and watercourse crossings. These documents provide practical field guidance on construction BMPs that were developed and tested in Northern California. When combined with information provided in the PWA

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<sup>2</sup> The PWA Handbook can be found at the following web location:

[RoadsEnglishBOOKapril2015b.pdf \(pacificwatershed.com\)](https://www.pacificwatershed.com/sites/default/files/RoadsEnglishBOOKapril2015b.pdf) or  
<https://www.pacificwatershed.com/sites/default/files/RoadsEnglishBOOKapril2015b.pdf>

Handbook and other materials referenced in Finding 5, road, trail and watercourse crossing projects on California State Parks' lands that implement applicable BMPs, are considered to result in long term protection of water quality and meet the objectives of ecological enhancement.

8. Conducting work on watercourse crossings and adjacent road segments has the potential to discharge sediment and impact beneficial uses of the receiving water, and therefore, pursuant to the State Water Board's Nonpoint Source (NPS) Enforcement and Implementation Policy<sup>3</sup>, must be regulated under waste discharge requirements (WDRs), waivers of WDRs, a basin plan prohibition, or some combination of these administrative tools. While there are a number of existing Regional and State Water Board Orders that can provide coverage for projects that are also eligible for authorization under this Order, many have enrollment restrictions and none of the existing permits are tailored specifically to rural road projects. Regional Water Board staff developed the terms, conditions, enrollment and termination process for this Order to improve the permitting process and require specific water quality protections to address rural road and watercourse crossing construction and reconstruction activities. Permitting efficiencies should also provide an incentive for stakeholders throughout the region to stormproof roads and upgrade crossings. In addition, in light of recent changes to the federal waters jurisdiction, this order creates efficiencies because it is both a WDR and Water Quality Certification that can be used staff to authorize activities within waters of the US and or waters of the state.
9. Regional Water Board staff developed this Order to ensure that road and watercourse crossing construction and reconstruction projects incorporate all necessary BMPs to prevent, minimize, and mitigate potential impacts to water quality. Such activities have the potential to adversely affect waters of the state from short term increases in erosion and sediment delivery and/or alterations to riparian systems that may reduce shade and affect water temperatures. Such short-term impacts on road and watercourse reconstruction projects that will result in long-term benefits to water quality are generally considered to be "self-mitigating". As existing road segments are hydrologically disconnected from the stream network and watercourse crossings are upgraded, full and proper implementation of applicable BMPs reduce any short term impacts to "less than significant."
10. Attachment A of the Order includes general mitigation measures designed to prevent or minimize environmental impacts to a level that is less than significant. The Order requires project proponents to utilize and implement the mitigation measures contained in Attachment A when implementing remediation and restoration activities on rural roads, which include but are not limited to:

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<sup>3</sup> [Policy for Implementation and Enforcement of the Nonpoint Source Pollution Control Program \(ca.gov\)](https://www.waterboards.ca.gov/water_issues/programs/nonpoint/policy.htm)

- Temporal limitations on project activities, which include seasonal restrictions;
  - Limitation on earthmoving and construction equipment to minimize soil and compaction;
  - Erosion control requirements to stabilize areas disturbed during project activities;
  - Guidelines for minimizing impacts from channel excavation and stream bank stabilization;
  - Limitations on work in streams and wet areas;
  - Guidelines for temporary stream diversion and dewatering in flowing streams;
  - Protection of sensitive species; and
  - Protection of Cultural and Tribal Cultural Resources.
11. In the North Coast region, climate change model predictions of annual precipitation fall within the range of historical variation, but trend towards slightly higher (2-16%) precipitation across the region by the end of century. An analysis of historical flood trends has not been performed for the North Coast region. However, climate model predictions suggest that the frequency and intensity of precipitation will increase in wet years, increasing flows during the peak streamflow season in winter. High rainfall intensities also increase the likelihood of landslides and debris flows. Transportation infrastructure designed for a milder climate will be at risk with larger and more frequent storms and flood events. Therefore, projects must incorporate the most up to date methods and data to determine minimum watercourse crossing design specifications.

### **General Water Quality Certification**

12. Projects that involve construction and other work (dredge or fill) in waters of the United States will likely require a permit from the Army Corp of Engineers pursuant to section 404 (33 U.S.C. § 1344) of the Clean Water Act. Section 401 of the Clean Water Act (33 U.S.C. §1341) requires every applicant for a federal license or permit which may result in a discharge into navigable waters to provide the licensing or permitting federal agency with certification that the project will be in compliance with water quality standards and implementation plans promulgated pursuant to section 303 of the Clean Water Act, and other appropriate requirements of state law (33 U.S.C. § 1313). The Regional Water Board Executive Officer may issue a decision on a water quality certification application. (Cal. Code Regs., tit. 23, § 3838, subd. (b).) State water quality certification conditions shall become conditions of any federal license or permit for the project.
13. The Regional Water Board may issue a General Water Quality Certification for a class or classes of activities that are the same, or similar, or involve the same or similar types of discharges and possible adverse impacts to water quality if it determines that these activities are more appropriately regulated under a general certification rather than individual certifications (Cal. Code Regs., tit. 23, §3861). General certifications apply for a fixed term not to exceed five years, must be conditioned to require subsequent notice to the Regional Water Board at least 30 days prior to commencement of the activity, and include appropriate monitoring and reporting requirements. A fee is also required pursuant to California Code of Regulations, title 23, section 3833, sub.(b)(3).
14. This Order includes a General Water Quality Certification for activities covered under this Order that may require a federal permit. General certification requirements in addition to waste discharge requirements are provided for in this section of this Order. Any discharger seeking Clean Water Act section 401 General Water Quality Certification for a project shall

notify the Regional Water Board at least 30 days prior to commencement of the activity and submit information regarding the construction schedule and other relevant information in the Notice of Intent form, and appropriate fee. Unless the Regional Water Board determines that the project or activity does not meet the specified criteria for coverage under the General Water Quality Certification, this Order provides Clean Water Act section 401 certification for the federal permit required for that project. Projects that do not meet the criteria for coverage under this general certification must apply for authorization under an individual 401 certification or other applicable general certification.

15. The General Water Quality Certification contained in this order shall not apply to activities that will: 1) result in significant unavoidable environmental impacts including permanent impacts to waters of the state, and/or violation of water quality standards; 2) result in the unauthorized direct or indirect take of any listed species; or 3) expose people and/or structures to potential adverse effects from flooding, landslides or soil erosion. (Cal. Code Regs., tit. 23, §3861, subd. (d).)

## Project Categories

16. Section I.c.1-5 of this Order defines five project categories along with their eligibility based on potential threat/benefit to water quality and complexity. The categories will be used to determine the application and annual fees for each project based on the State Water Board's fee schedule.<sup>4</sup>
17. Projects that are voluntarily undertaken and will enhance the beneficial uses, including potential beneficial uses of water, and meet the definition of an Ecological Restoration and Enhancement Project and the eligibility criteria described in section I.c.1-3 qualify for Discharge Category D, from the State Water Board's fee schedule. The State Wetland Definition and Procedures for Discharges of Dredged or Fill Material to Waters of the State<sup>5</sup> defines Ecological Restoration and Enhancement Projects as a *project [that] is voluntarily undertaken for the purpose of assisting or controlling the recovery of an aquatic ecosystem that has been degraded, damaged or destroyed to restore some measure of its natural condition and to enhance the beneficial uses, including potential beneficial uses of water and are undertaken in accordance with the terms and conditions of a binding stream or wetland enhancement or restoration agreement, or a wetland establishment agreement, between the real property interest owner or the entity conducting the habitat restoration or enhancement work and a federal or state resource agency.*
18. Section I.c.4-5 of this Order includes two project categories that do not qualify for the Ecological Restoration and Enhancement Project fee category (these projects will likely fall into Discharge Category A, Fill and Excavation Discharges, but project applicants should contact Regional Water Board staff for guidance on which fees apply to a project).

## Procedure

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<sup>4</sup> The fee schedule is updated yearly. Fees for projects covered by this order are specified in Title 23, Division 3, Chapter 9, Waste Discharge Reports and Requirements Article 1.

<sup>5</sup> On April 2, 2019, the State Water Board adopted the [State Wetland Definition and Procedures for the Discharge of Dredged or Fill Material to Waters of the State](#) (Procedures). The Procedures became effective May 28, 2020. Applicants proposing to discharge dredged or fill material are required to comply with the Procedures unless an exclusion applies, or the discharge qualifies for coverage under a [General Order](#).

19. To be covered under this Order, a discharger must sign and submit a completed Notice of Intent (form included as Attachment B) to the Regional Water Board. The Notice of Intent must be signed by the Discharger and certify the discharger's intent to implement all applicable BMPs and comply with all applicable requirements of this Order. Upon receipt of a completed Notice of Intent, Regional Water Board staff will review the project and within 30 days of receipt, either determine the project complies with the requirements of the Order and provide the project proponent with a Notice of Applicability signed by the Executive Officer or provide written notification of deficiencies in the project that resulted in the determination. Provided all other required permits have been obtained, project activities may commence upon receipt of a Notice of Applicability signed by the Executive Officer.
20. Projects will remain covered under the Order until either, 1) the Regional Water Board Executive Officer rescinds coverage for a project after having determined that any of the conditions laid out in section VI.a are present or, 2) the Discharger submits a Notice of Termination (form included as Attachment C) certifying that project implementation and the required monitoring have been adequately completed according to the application and enrollment documents, Regional Water Board staff have determined that the project meets the definition of a completed project from section VI.e of the Order, and the Executive Officer approves termination of coverage of the project.

### **Monitoring**

21. This Order includes a monitoring and reporting component that requires project proponents to conduct post-completion on-site evaluations to ensure BMPs and compensatory mitigation were implemented as designed (while still providing a mechanism to allow flexibility to make changes during implementation as conditions warrant), are functioning properly and are self-sustaining, or whether additional work is needed. Duration of the monitoring requirement would likely be two years for most road and watercourse crossing projects but could be up to five years for complex compensatory mitigation. These timeframes could be modified on a project-specific basis with RWB approval.
22. Project proponents shall document the results of each required inspection in the Monitoring Inspection Form included as Attachment D. Reports must contain sufficient information that Regional Water Board staff can clearly understand site conditions following completion of work and throughout the monitoring period, including key results, findings, problems encountered, and corrective actions taken.

### **Wetland and Stream Protection**

23. Disturbance to wetlands and streams should be avoided or minimized to the greatest extent practicable. If it is determined that a wetland will be temporarily or permanently impacted by the proposed project, mitigation will need to be conducted to establish, restore, enhance or preserve the functions and values of wetlands and associated beneficial uses. Any unavoidable impacts to waters must be restored and/or compensated for to ensure compliance with (No Net Loss Policy EO W-59-93, Antidegradation Policy SWRCB resolution No. 68-16 and the State Water Board's, *State Policy for Water Quality Control: State Wetland Definition and Procedures for Discharges of Dredge or Fill Material to Waters*

*of the State*).

24. Projects that will cause temporary impacts to beneficial uses and ecological functions shall describe how the site will be restored following completion. This restoration may be achieved passively through project design and implementation or may be achieved through development and implementation of a restoration plan. Dischargers shall describe the activities to be conducted to restore functions at the site, including success criteria and applicable monitoring. Temporary impact examples may include but not be limited to temporary dewatering, temporary fill or excavation and vegetation removal.
25. Permanent impacts to beneficial uses and ecological functions that include a complete loss of area or degradation of these uses or functions will require submittal and approval of a mitigation plan to offset or compensate for these losses. Permanent impact examples may include but not be limited to new culverts or bridges or extensions of existing structures.
26. As specified in State Water Board's, *State Policy for Water Quality Control: State Wetland Definition and Procedures for Discharges of Dredge or Fill Material to Waters of the State*, for projects that do not meet the criteria of Ecological Restoration and Enhancement Project and have the potential to create new permanent impacts that may require compensatory mitigation, Dischargers must include an alternatives analysis with their application. An alternatives analysis is the process of analyzing project alternatives, including the proposed project, to determine the alternative that is the least environmentally damaging practicable alternative. This process can serve to inform whether compensatory mitigation may be necessary to ensure the project is the least environmentally damaging practicable alternative, and if so, what type of compensatory mitigation would be most suitable. The level of detail in an alternatives analysis and any mitigation plans shall be commensurate with the size and scope of the impact. Mitigation plans shall include performance and success criteria and monitoring and reporting when applicable to demonstrate mitigation successfully offsets the permanent impacts. Mitigation proposals are reviewed and approved on a case-by-case basis. Information required by the Notice of Intent, which serves as the project enrollment application, will lead applicants through the process of describing the project and the nature of anticipated impacts and whether compensatory mitigation will be necessary. Attachment E is a guidance document to assist applicants understand when compensatory mitigation will be required and provides examples of compensatory mitigation projects that would be appropriate for the typical projects covered under the Order.
27. This Order presumes that most road and watercourse crossing reconstruction activities that are designed to reduce chronic erosion from hydrologically connected roads, or that upgrade malfunctioning or poorly designed watercourse crossing to current standards, will qualify as Ecological Restoration and Enhancement Projects. These projects are recognized as having a water quality benefit, are required to already conform to pre-defined environmental protection standards in this Order, and therefore will not be required to (1) conduct additional compensatory mitigation to offset new permanent impacts (such as replacing an undersized culvert with a longer culvert), (2) develop an Alternatives Analysis, or (3) conduct a least environmentally damaging practicable Alternative assessment.

## Additional Findings

28. The Regional Water Board has reviewed the contents of this Order, its accompanying Initial Study and Mitigated Negative Declaration, written public comments and testimony provided after notice and hearing and finds that the adoption of this Order is consistent with the Basin Plan, is in the public interest, and that with mitigation measures incorporated, there is no substantial evidence that this Order will have a significant effect on the environment.

### Supplemental Findings

29. Attachment F of this Order, Supplemental Order Findings, contains findings related to 1) the legal and regulatory framework that supports the Regional Water Board's issuance and implementation of this Order, including information regarding how the Regional Water Board implements elements of the Federal Clean Water Act, California's Porter Cologne Water Quality Control Act, the Basin Plan, and state and regional policies<sup>26</sup> designed to protect and restore the beneficial uses of waters of the state; 2) tribal consultations and outreach and engagement to the public and disadvantaged communities to inform the development of this Order and associated Monitoring and Reporting Program.

**THEREFORE**, pursuant to California Water Code sections 13263 and 13267, the Regional Water Board hereby approves and adopts Order No. R1-2024-0002 and associated Mitigated Negative Declaration and directs the Executive Officer to file all appropriate notices. Dischargers seeking coverage for eligible rural road projects shall comply with the following:

**IT IS HEREBY ORDERED THAT:** pursuant to Water Code sections 13160, 13263, 13267, and/or 13383, the Regional Water Board hereby adopts General Waste Discharge Requirements and General Water Quality Certification for projects that meet the requirements established below:

## I. ELIGIBILITY AND APPLICATION REQUIREMENTS

- a. Eligible projects consist of the construction, reconstruction or decommissioning of rural roads and their associated watercourse crossings that implement all applicable design elements to prevent or minimize sediment discharges and comply with all applicable characteristics of "storm-proofed roads" from the applicants completed Notice of Intent (Attachment B).
- b. This Order is generally intended for coverage of low volume private rural roads in forested and rangeland settings that serve residential, recreational and resource management uses and roads and trails on State Park lands. State Highways, roads maintained by the California Department of Transportation (Caltrans), cities and counties are generally not eligible for coverage under the Order. However, there may be exceptions for some low volume road segments that meet the intent of this Order. Projects on State Highways, roads maintained by the California Department of Transportation (Caltrans), cities and counties may be eligible for coverage under this Order if the discharger requests and receives approval from the Regional Water Board Executive Officer.

- c. This Order defines five project categories described below based on potential threat/benefit to water quality and complexity.

Projects that are voluntarily undertaken and will enhance the existing or potential beneficial uses of water and meet the eligibility criteria described in sections c.1 through 3 below qualify as Ecological Restoration and Enhancement Projects:

1. Voluntary road and watercourse crossing reconstruction projects that provide a benefit to water quality by implementing all necessary and applicable BMPs. Projects that include new watercourse crossing construction are not eligible for this category.
2. Publicly funded conservation projects that are designed to provide water quality or aquatic habitat restoration benefits, such as those funded through the 319h Nonpoint Source Control Program, CDFW Fisheries Restoration Grant Program and NOAA Fisheries Restoration Center.
3. Projects on roads and trails on California State Parks lands that implement applicable BMPs from the guidance documents referenced in Finding 5.

The following two project categories described in c.4 and 5 below do not qualify as Ecological Restoration and Enhancement Projects:

4. Voluntary road and watercourse crossing projects that include new road and/or watercourse crossing construction.
5. Projects conducted in response to regulatory enforcement actions by the Regional Water Board, California Department of Fish and Wildlife, or other regulatory agencies.

The categories will be used to determine the application and annual fees for each project based on the State Water Board's fee schedule. Projects that meet the eligibility criteria from c.1 through 3 above currently qualify for Discharge Category D, from the State Water Board's fee schedule. Projects eligible for categories C.4 through 5 will likely fall into Discharge Category A, *Fill and Excavation Discharges* as described in the State Water Board's fee schedule. A fee calculator can be found online at: [https://www.waterboards.ca.gov/water\\_issues/programs/cwa401/#fees](https://www.waterboards.ca.gov/water_issues/programs/cwa401/#fees).

The calculator is useful for estimation of fees, but project proponents must confirm the correct fee amount through consultation with the Regional Water Board prior to submitting payment. Appropriate fees will be determined by the current fee regulations at the time of NOI submittal for an individual project.

- d. To seek coverage for a rural road project under this Order, a discharger must submit a completed Notice of Intent to the Regional Water Board. The Notice of Intent must be signed by the Discharger and certify the intent to implement all applicable BMPs and comply with all applicable requirements of this Order and described in the Notice of Intent. Upon receipt of a completed Notice of Intent, Regional Water Board staff will review the project and within 30 days of receipt, either determine the project complies with the

requirements of the Order and provide the project proponent with a Notice of Applicability signed by the Executive Officer or provide written notification of deficiencies in the project that resulted in the determination.

- e. Provided all other required permits have been obtained, project activities may commence upon receipt of a Notice of Applicability signed by the Executive Officer.

## II. GENERAL REQUIREMENTS

- a. Dischargers and all representatives conducting work on behalf of the discharger, such as employees or contractors, are responsible for compliance with all activities associated with projects covered under the Order.
- b. Dischargers shall obtain coverage under the General Permit for Discharges of Storm Water Associated with Construction Activity (Construction General Permit, 2022-0057-DWQ) for construction projects on land that disturb one or more acres of soil, or less than one acre but are part of a larger common plan of development that in total disturbs one or more acres.
- c. While the project is enrolled in the Order, Dischargers shall allow Regional Water Board staff entry onto the project area following reasonable notification for the purposes of observing, inspecting, photographing, videotaping, measuring, and/or collecting samples or other monitoring information to document compliance or non-compliance with this Order.
- d. This Order does not preclude the need for permits which may be required by other governmental agencies, including necessary certification and permitting for the application of pesticides and herbicides.
- e. Project activities that entail use of heavy equipment or excavation shall not occur between November 15 and April 1 or when saturated soil conditions<sup>6</sup> are present in the project area. Prior to November 15 of each year that project activities occur, project areas must be fully stabilized such to withstand anticipated winter weather conditions. Between November 15 and April 1, limited heavy equipment use or excavation may occur during extended dry periods with written approval from Regional Water Board staff.
- f. Completed projects must meet all applicable characteristics of storm-proofed roads from the Notice of Intent, or otherwise must provide justification regarding why they cannot meet one of the applicable standards and how the project will be similarly protective of water quality.
- g. Dischargers shall comply with all applicable general mitigation measures identified in

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<sup>6</sup> **Saturated Soil Conditions** means that soil and/or surface material pore spaces are filled with water to such an extent that runoff is likely to occur. Indicators of saturated soil conditions may include, but are not limited to: (1) areas of ponded water, (2) pumping of fines from the soil or road surfacing material during project activities, (3) loss of bearing strength resulting in the deflection of soil or road surfaces under a load, such as the creation of wheel ruts, (4) spinning or churning of wheels or tracks that produces a wet slurry, or (5) inadequate traction without blading wet soil or surfacing materials.

Attachment A of the Order and the accompanying mitigated negative declaration. All CEQA mitigation measures shall constitute enforceable conditions under this Order.

- h. Compliance with Order requirement will ensure that no significant environmental impact to water quality occurs from an activity covered by this Order. Activities that have potentially significant impacts to water quality that cannot be reduced to less than significant levels are not eligible for coverage under this Order. Dischargers will need to submit a Report of Waste Discharge to the Regional Water Board and any necessary documentation to comply with CEQA to obtain individual authorization for that activity.
- i. Dischargers shall comply with all applicable water quality standards, requirements, and prohibitions specified in the Basin Plan as modified, and policies adopted by the State Water Board.
- j. Project activities covered under this Order shall not discharge substances in concentrations toxic to human, plant, animal, or aquatic life. Project activities covered under this Order shall not discharge waste classified as "hazardous" as defined in California Code of Regulations, title 22, section 66261 and Water Code section 13173.
- k. Project activities that receive coverage under this Order does not preclude the Regional Water Board from administering enforcement remedies (including administrative civil liability) pursuant to the Water Code.
- l. Dischargers who fail to obtain coverage under this Order or another applicable order may be subject to enforcement under Water Code sections 13350 and/or 13385, 13264 and other applicable law if their Project results in an un-permitted discharge of waste.
- m. As provided by Water Code section 13350 subdivision (a), any person may be liable for civil penalties if that person is in violation of a condition of this Order, intentionally or negligently discharges waste, or causes waste to be deposited where it is discharged, into the waters of the state and creates a condition of pollution or nuisance.
- n. As provided by Water Code section 13385 subdivision (a), a person who violates a water quality certification issued pursuant to 13160, or fails to obtain water quality certification for activities which require certification, or discharges pollutants in violation of the Clean Water Act may be held liable for civil penalties.
- o. The Order does not cover discharges of hazardous materials. In the event of an accident, Dischargers must comply with the requirements of the California Emergency Management Agency Hazardous Materials Spill reporting process. Any significant release or threatened release of a hazardous material requires immediate reporting by the responsible person to the Cal EMA State Warning Center (800) 852-7550 and the Certified Unified Program Agency (CUPA) or 911. The CUPA may designate a call to 911 as meeting the requirement to call them. Contact information for a jurisdiction's CUPA can be found at [Regulator Search \(ca.gov\)](https://www.reg.ca.gov/RegulatorSearch) / or at <https://cersapps.calepa.ca.gov/Public/Directory>.

Notifying the State Warning Center (800) 852-7550 and the CUPA or 911 constitutes compliance with the requirements of section 11004 of title 42 of the United States Code regarding verbal notification of the SERC and LEPC (California Code of Regulations, Title 19

Section 2703 (e)). Additional information regarding spill reporting may be found at [Spill Release Reporting | California Governor's Office of Emergency Services](https://www.caloes.ca.gov/office-of-the-director/operations/response-operations/fire-rescue/hazardous-materials/spill-release-reporting/) or at <https://www.caloes.ca.gov/office-of-the-director/operations/response-operations/fire-rescue/hazardous-materials/spill-release-reporting/>.

### III. DISCHARGE PROHIBITIONS

- a. The discharge of soil, silt, bark, slash, sawdust, or other organic and earthen material from any logging, construction, or associated activity of whatever nature into any stream or watercourse in the basin in quantities deleterious to fish, wildlife, or other beneficial uses is prohibited.
- b. The placing or disposal of soil, silt, bark, slash, sawdust, or other organic and earthen material from any logging, construction, or associated activity of whatever nature at locations where such material could pass into any stream or watercourse in the basin in quantities which could be deleterious to fish, wildlife, or other beneficial uses is prohibited.
- c. Discharges of waste, which are not otherwise authorized by waste discharge requirements, or other orders issued by the Regional Water Board or the State Water Resources Control Board, to waters of the state in violation of Basin Plan standards, are prohibited.
- d. Discharges must not cause or threaten to cause pollution, contamination, or nuisance.
- e. Discharges must not adversely impact human health or the environment or the beneficial uses of water set out by the Basin Plan.
- f. Discharges of waste that violate any narrative or numeric water quality objective, that are not authorized by waste discharge requirements or other order or action by the Regional Water Board or State Water Resources Control Board, are prohibited.

### IV. MONITORING AND REPORTING

This Monitoring and Reporting Program (MRP) is issued pursuant to Water Code sections 13267, subdivision (b) and 13383. The MRP requires Dischargers to implement the monitoring and reporting described below. The Regional Water Board has delegated its authority to the Executive Officer to revise, modify, and reissue the MRP.

#### a. Monitoring

Project proponents must conduct post-completion on-site evaluations to ensure BMPs and compensatory mitigation were implemented as designed and are functioning properly and self-sustaining, or whether additional work is needed. The duration of the monitoring requirement shall generally be two years for most watercourse crossing and road projects. For certain projects that include compensatory mitigation, and that Regional Water Board staff determine to be uniquely complex so as to warrant a longer period of monitoring to ensure project objectives have been met, post project monitoring for up to five years may be required.

### Inspections

1. Beginning the first year of project activities, project proponents shall inspect the entire project area according to the following schedule:
    - i. By November 15 to ensure that project has been implemented as designed and that project areas are secure for the period between November 15 and April 1; and
    - ii. Between April 1 and June 15 to assess how the project area has performed during the winter period and to identify whether any problems have developed that require additional work.
  2. For each required inspection, Dischargers shall evaluate the project area to ensure that all management measures described in the approved application package have been implemented as designed and are functioning properly. Any evidence of active or potential erosion or sediment discharge should be identified and measures to prevent or minimize sediment discharge implemented as soon as feasible.
  3. Dischargers shall continue to monitor the project as described above for the duration specified in the signed Notice of Applicability.
- b. Reporting
- Project proponents shall document the results of each required inspection by including all applicable information from the Monitoring Inspection Form in Attachment D of the Order. Reports must contain sufficient information that Regional Water Board staff can clearly understand site conditions following completion of work and throughout the monitoring period, including key results, findings, problems encountered, and corrective actions taken.

All completed Inspection Forms shall be submitted with the final Notice of Termination (Attachment C) or when requested by Regional Water Board staff.

**THE REGIONAL WATER BOARD HEREBY CERTIFIES** that projects in compliance with the Order requirements above will comply with sections 301, 302, 303, 306, and 307 of the Clean Water Act, and with applicable provisions of State law, subject to the following additional terms and conditions:

### V. GENERAL WATER QUALITY CERTIFICATION

- a. This certification action is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to Water Code section 13330 and title 23, California Code of Regulations, section 3867.
- b. Certification is conditioned upon total payment of any fee required under California Code of Regulations, title 23, section 3833, subdivision (b)(3). Annual Fee Schedules are detailed in the California Code of Regulation, title 23, section 2200.
- c. Authorization of this certification for any General Water Quality Certification or dredge and fill activities expires five (5) years from issuance of the NOA. (Cal.Code Regs., tit. 23 §

3864)

- d. In the event of any violation or threatened violation of the conditions of this certification, the violation or threatened violation shall be subject to any remedies, penalties, process, or sanctions as provided for under state law. For purposes of section 401(d) of the Clean Water Act, the applicability of any state law authorizing remedies, penalties, process, or sanctions for the violation or threatened violation constitutes a limitation necessary to assure compliance with the water quality standards and other pertinent requirements incorporated into this certification. (Wat. Code §§ 13385, 13383)
- e. The General Water Quality Certification portion of the Order may be modified as necessary by the Executive Officer of the Regional Water Board. (Cal.Code Regs., tit. 23, § 3861(e))

## **VI. TERMINATION OF COVERAGE**

- a. The Executive Officer may rescind or deny the applicability of this Order to any individual project or activity if the Executive Officer makes any of the following determinations:
  - 1. The project does not comply with any condition or provision of this Order.
  - 2. The project or activity is reasonably likely to result or has resulted in a violation or exceedance of any applicable water quality requirement.
  - 3. The project or activity has varied in whole or in any part from the approved NOI in any way that could adversely affect water quality.
  - 4. When requested by the project proponent, another state agency (upon a demonstration that the project or activity would cause an exceedance of water quality standards or otherwise violate this Order), a subdivision of the state (county), or a federal agency, and with concurrence by the Executive Officer.
  - 5. The project or activity meets the Order terms but may still result in discharge that could affect the quality of waters of the state.
- b. Upon receipt of a written notice of rescission or denial of coverage for a project or activity under this Order, the applicability of this Order to the covered project or activity is immediately terminated, except for enforcement purposes. Upon termination, the project proponent and all employees or contractors must immediately cease all activities that may result in un-permitted discharges of waste to waters of the state, other than activities necessary to control further discharges.
- c. Notwithstanding any other provision of this Order, the burden of proof is on the Discharger to demonstrate that each finding required for coverage under this Order can be made, and that each and every term, eligibility criterion, and condition has been met. Notwithstanding any other provision of this Order, no permit coverage is valid unless each term, eligibility criterion, and requirement is met.

- d. The provisions of this Order are severable; and, if any provision of this Order or the application of any provision of this Order to any circumstance is held invalid, the application of such provision to other circumstances and the remainder of this Order shall not be affected thereby.
- e. Unless terminated or rescinded pursuant to sections VI (a-d), projects that receive coverage under this Order shall remain covered through the prescribed monitoring period. At that time, Dischargers may request termination of coverage by submitting a signed Notice of Termination (Attachment C) along with their monitoring reports certifying that the project meets the following definition of a completed project:
  1. The project has been completed according to the project description included in the NOI as well as any needed corrective action identified from monitoring inspections, any compensatory mitigation work has been implemented as is self-sustaining, and the site is stabilized;
  2. Sites have been treated such that no potential for waste discharges from the Project in violation of the Basin Plan.
  3. The project meets all applicable characteristics of storm-proofed roads from the Notice of Intent.
  4. Earthen materials and waste have been disposed of properly.
- f. Upon receipt of a Notice of Termination, Regional Water Board staff may request a site inspection to verify that the project meets the definition of a completed project from section VI.e above. Coverage under the Order will be considered terminated upon receipt by the Discharger of a letter signed by the Regional Water Board Executive Officer affirming that the project has been unenrolled.

## **VII. PETITION**

Any person aggrieved by this action of the Board may petition the State Water Board to review the action in accordance with CWC section 13320 and California Code of Regulations, title 23, sections 2050 and following. The State Water Board must receive the petition by 5:00 p.m., 30 days after the date that this Order becomes final, except that if the thirtieth day following the date that this Order becomes final falls on a Saturday, Sunday, or state holiday, the petition must be received by the State Water Board by 5:00 p.m. on the next business day. Copies of the law and regulations applicable to filing petitions may be found on the Regional Water Board's website:

[\[http://www.waterboards.ca.gov/public\\_notices/petitions/water\\_quality\]](http://www.waterboards.ca.gov/public_notices/petitions/water_quality) or will be provided upon request.

**Certification:**

I, Valerie M. Quinto, Executive Officer do hereby certify that the foregoing is a full, true, and correct copy of an Order adopted by the California North Coast Regional Water Quality Control Board, on April 8, 2024.

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Valerie M. Quinto  
Executive Officer

Attachments:

- A. General Mitigation Measures
- B. Notice of Intent
- C. Notice of Termination Form
- D. Monitoring Inspection Form
- E. Compensatory Mitigation Guidance
- F. Supplemental Order Findings

**ATTACHMENT A**  
**General Mitigation Measures**  
**Rural Roads General Order**  
**DRAFT Order Number R1-2024-0002**

## **I. Introduction**

Mitigation measures provided here may be applicable to prevent environmental impacts associated with road and watercourse crossing construction, reconstruction and decommissioning projects covered under Order No. R1-2024-0002, *General Waste Discharge Requirements and General Water Quality Certification for Rural Road Construction and Reconstruction in the North Coast Region* (Rural Roads General Order). All of the mitigation measures contained in this document that are applicable to a given site are enforceable conditions under the Rural Roads General Order.

Where applicable, work in or near stream and riparian zones, including construction, reconstruction or decommissioning of roads, trails, and watercourse crossing structures, including but not limited to culverts, bridges, rocked fords, and rock armored fill crossings, shall be done in accordance with techniques described in the PWA Handbook or other guidance document listed in the References section at the end of this document or other similar sources.

## **II. Standard mitigation measures for Rural Road Projects**

### *Temporal Limitations on project activities*

- To avoid potential impacts to beneficial uses of water, including sedimentation of the stream channel and/or impacts to aquatic resources, project activities authorized under this Order will be limited to the period between April 1 and November 15. Exceptions may be requested on a site-specific basis. Work prior to April 1 or beyond November 15 may be authorized provided the work would be completed outside periods leading up to and during significant rainfall, and halting work when saturated soils are present.
- Projects permittees are required to monitor weather forecasts throughout the year and must implement measures, including the deployment of erosion and sediment control Best Management Practices (BMPs), to ensure that project activities and conditions are adequately prepared to avoid impacts to water quality from storm runoff.
- Whenever a 7-day National weather forecast of rain for the nearest precipitation station listed at <http://www.weather.gov> includes a minimum of 5 consecutive days with any chance of precipitation, or 3 consecutive days with 30% or greater chance of precipitation, or 2 consecutive days of 50% or greater chance of

precipitation, the project shall finish all work underway at crossings, immediately deploy erosion control materials after completing work, and refrain from starting any new work prior to the rain event. Activities shall not resume at the site so long as saturated soil conditions remain.<sup>1</sup> Regardless of season, erosion control measures shall be stockpiled on site if encroachment work occurs when the NWS forecast predicts a “chance” or greater (30% of more) of rain within the week following construction activity.

#### *Limitation on Earthmoving*

- Disturbance to existing grades and vegetation will be limited to the actual site of the project and necessary access routes.
- Placement of temporary access roads, staging areas, and other facilities will avoid or minimize disturbance to habitat as much as possible.
- Disturbance to native shrubs, woody perennials, or tree removal on the streambank or in the stream channel will be avoided or minimized to the fullest extent possible.
- Whenever feasible, finished grades will not exceed 1.5:1 side slopes. In circumstances where final grades cannot achieve 1.5:1 slope, additional erosion control or stabilization methods will be applied as appropriate for the project location.
- Spoils and excavated material not used during construction will be removed and placed outside of the 100-year floodplain and stored/disposed of in compliance with Order conditions related to spoils management.
- Upon completion of grading, slope protection of all disturbed sites will be provided prior to October 15 through a combination of permanent vegetative treatment, mulching, geotextiles, and/or rock.
- Only native plant species will be used with the exception of non-invasive, non-persistent grass species used for short-term vegetative cover of exposed soils.
- Rock placed for slope protection will be the minimum necessary to avoid erosion and will be part of a design that provides for native plant revegetation and minimizes bank armoring.

#### *Limitations on Construction Equipment*

- Dischargers must ensure that chemical contamination (fuel, grease, oil, hydraulic fluid, solvents, etc.) of water and soils is prohibited during routine equipment operation and maintenance.
- Heavy equipment will not be used in flowing water.

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<sup>1</sup> **Saturated Soil Conditions** means that soil and/or surface material pore spaces are filled with water to such an extent that runoff is likely to occur. Indicators of saturated soil conditions may include, but are not limited to: (1) areas of ponded water, (2) pumping of fines from the soil or road surfacing material during Timber Operations, (3) loss of bearing strength resulting in the deflection of soil or road surfaces under a load, such as the creation of wheel ruts, (4) spinning or churning of wheels or tracks that produces a wet slurry, or (5) inadequate traction without blading wet soil or surfacing materials.

- When possible, existing ingress or egress points will be used or work will be performed from the top of the creek banks.
- Use of heavy equipment will be avoided in a channel bottom with rocky or cobbled substrate.
- If access to the work site requires heavy equipment to travel on a rocky or cobbled substrate, a rubber tire loader/backhoe is the preferred vehicle.
- The amount of time this equipment is stationed, working, or traveling within the creek bed will be minimized.
- Minimize soil compaction by using equipment with a greater reach or that exerts less pressure per square inch on the ground, resulting in less overall area disturbed or less compaction of disturbed areas.
- When heavy equipment is used, any woody debris and stream bank or streambed vegetation disturbed will be replaced to a pre-project density with native species appropriate to the site.
- The use or storage of petroleum-powered equipment will be accomplished in a manner that prevents the potential release of petroleum materials into waters of the state (Fish and Game Code 5650). To accomplish this, the following precautionary measures shall be followed:
  - Schedule excavation and grading activities for dry weather periods.
  - Designate a contained area for equipment storage, short-term maintenance, and refueling. Ensure it is located at least 50 feet from waterbodies.
  - Inspect vehicles for leaks and repair them immediately.
  - Clean up leaks, drips, and other spills immediately to avoid soil or groundwater contamination.
  - Conduct major vehicle maintenance and washing off site.
  - Ensure that all spent fluids including motor oil, radiator coolant, or other fluids and used vehicle batteries are collected, stored, and recycled as hazardous waste off site.
  - Ensure that all construction debris is taken to appropriate landfills and all sediment disposed of in upland areas or off-site, beyond the 100-year floodplain.
  - Use dry cleanup methods (i.e., absorbent materials, cat litter, and/or rags) whenever possible. If necessary for dust control, use only a minimal amount of water.
  - Sweep up spilled dry materials immediately.

### *Erosion Control*

- Erosion control and sediment detention devices and materials will be incorporated into the project work design and installed as needed at the time of project implementation.

- Effective erosion control measures will be in-place at all times during project work. Work within the 5-year flood plain will not begin until all temporary erosion controls (straw bales or silt fences that are effectively keyed-in) are in place down slope of restoration activities.
- Non-invasive, non-persistent grass species (i.e., barley grass) may be used for their temporary erosion control benefits to stabilize disturbed slopes and prevent exposure of disturbed soils to rainfall.
- Only wildlife-friendly, 100 percent biodegradable erosion and sediment control products that will not entrap or harm wildlife shall be used. Erosion and sediment control products shall not contain synthetic (e.g., plastic or nylon) netting. Photodegradable synthetic products are not considered biodegradable. The applicant shall request approval from Regional Water Board if an exception from this requirement is needed for a specific location.
- Only wildlife-friendly, 100 percent biodegradable erosion and sediment control products that will not entrap or harm wildlife shall be used. Erosion and sediment control products shall not contain synthetic (e.g., plastic or nylon) netting. Photodegradable synthetic products are not considered biodegradable. The applicant shall request approval from the Regional Water Board if an exception from this requirement is needed for a specific location (Water Quality Control Plan for the North Coast Region, Section 4.2.1, State Board Resolution No. 68-16).
- Upon work completion, all exposed soil present in and around the project sites will be stabilized within 7 days.
- Soils exposed by project activities will be seeded, mulched, slash packed, to prevent sediment runoff and transport.
- The work area will be restored to pre-construction condition or better.

#### *Miscellaneous*

- In siting temporary stream crossings, identify locations where erosion potential is low. Avoid areas where runoff from roadway side slopes will spill into the side slopes of the crossing.
- Vehicles and equipment shall not be driven, operated, fueled, cleaned, maintained, or stored in the wet or dry portions of a water body where wetland vegetation, riparian vegetation, or aquatic organisms may be destroyed.
- Disturbance of riparian vegetation shall be avoided or minimized. When removed pursuant to the provisions of the work, riparian vegetation shall be cut off no lower than ground level to promote rapid re-growth.
- Retain as much understory brush and as many trees as feasible, emphasizing shade producing and bank stabilizing vegetation.

In the event that project activities required by the Order occurs in previously undisturbed areas, dischargers must conduct a cultural resources investigation and paleontological survey prior to any substantial disturbance. The cultural resources investigation must include, at a minimum, a records search for previously identified

cultural resources and previously conducted cultural resources investigations of the project parcel and vicinity. This record search should include, at a minimum, contacting the appropriate information center of the California Historical Resources Information System. In coordination with the information center or a qualified archaeologist, a determination regarding whether previously identified cultural resources will be affected by the proposed activity must be made and if previously conducted investigations were performed. The purpose of this investigation would be to identify resources before they are affected and avoid the impact.

#### *Channel Excavation and stream bank stabilization*

Stream banks and bed excavations shall begin when there is no flowing water in the stream unless adequate site-specific provisions are incorporated into a project.

Excavating earthen material from channels should recreate the original channel grade and orientation, with a channel bed that is as wide, or slightly wider, than the original watercourse. Channel profiles and cross-sections should be surveyed before and after excavation as needed to provide information on channel response at sites where upstream channel incision or impacts on downstream channel stability is possible.

If channel side slopes are disturbed, that should be excavated to a stable angle (generally less than 2:1) to prevent slumping and soil movement.

Longitudinal channel excavations, including channel reconstruction and relocation projects, shall be inspected annually for stability for the first three years following work. Any maintenance needs identified shall be completed as soon as possible after discovery, and no later than one year after discovery.

Any stream bank area left barren of vegetation as a result of restoration activities shall be stabilized prior to November 15 in the year work was conducted. Stabilization methods may include seeding, mulching, planting, slash packing, or implementation of other appropriate erosion control methods as needed to prevent erosion and protect beneficial uses. Bank stabilization structures shall be constructed to remain in place during periods of high flow including 100-year flood flows.

Stabilization methods include re-sloping the banks, installing rocks, rock rip-rap, toe trenches (keyways), LWD and bio-engineered features. Installation of log stream bank stabilization structures shall be done in accordance with techniques in the Habitat Restoration Manual.

Material used for bank stabilization shall be clean, competent materials that will not discharge sediment or other forms of pollution to waters of the state. Annual inspections for the purpose of assessing the effectiveness of soil stabilization methods will be conducted for two years following restoration activities.

### *Limitations on Work in Streams and Wet Areas*

- Work should generally occur during the lowest flow period of the year;
- Prevent any construction debris from falling into stream channels. Any material that does fall into a stream during construction should be immediately removed in a manner that has minimal impact to the streambed and water quality.
- If it is necessary to conduct work in or near a live stream, the work space will be isolated to avoid construction activities in flowing water.
- When restoration work is conducted in Class I watercourses, the shape and gradient of the streambed and channel shall be left such that unimpeded fish passage of all life stages is possible in these locations.
- Within 5 calendar days prior to entering or working in a Class I watercourse, a qualified fisheries biologist or qualified designee shall examine the project or crossing site to determine the presence of redds, fish or other aquatic vertebrates within the project area and 100 feet upstream and downstream.
- Water will be directed around the work site.
- Where available, existing ingress/egress points will be utilized, and work will be performed from the top of the bank to the maximum extent possible.
- Use of heavy equipment in a channel will be avoided when possible. If access to the work site requires the use of heavy equipment within the channel, the first choice will be to use a rubber tire loader/backhoe. Only after this option has been determined infeasible will the use of tracked vehicles be considered.
- The amount of time construction equipment is stationed, working, or traveling within the creek bed will be minimized.
- If the substrate of a seasonal pond, creek, stream, or water body is altered during work activities, it will be returned to approximate pre-construction conditions after the work is completed.

### *Temporary Stream Diversion and Dewatering: All Live Streams*

- For construction in a flowing or pooled stream or creek reach, or where access to the stream bank from the channel bottom is necessary, the work area will be isolated with the use of temporary cofferdams upstream and downstream of the work site and all flowing water will be diverted around the work site throughout the construction period.
- Other approved water diversion structures will be utilized if installation of cofferdams is not feasible.
- Cofferdams will be constructed with the use of off-site river-run gravel and/or sand bags. The upstream end of the upstream cofferdam will also be reinforced with thick plastic sheeting to minimize leakage.
- The diversion pipe will consist of a large plastic HDPE or ADS pipe or similar material, of a sufficient diameter to safely accommodate expected flows at the site during the full construction period.

- The pipe will be protected from construction activities to ensure that bypass flows are not interrupted.
- Continuous flow downstream of the work site will be maintained at all times during construction.
- When construction is complete, the flow diversion structure will be removed in a manner that allows flow to resume with a minimum of disturbance to the substrate.

### *Protection of Sensitive Species*

Sensitive species - Consult with federal, state, and local agencies regarding location of rare, threatened, or endangered species.

Prior to commencing work, designate and mark a no-disturbance buffer as directed by applicable agency to protect sensitive species and communities.

All work performed within waters of the state shall be completed in a manner that minimizes impacts to beneficial uses associated with habitat. Measures shall be employed to minimize land disturbances that will adversely impact the water quality of waters of the state. Disturbance or removal of vegetation shall not exceed the minimum necessary to complete Project implementation.

All equipment, including but not limited to excavators, graders, barges, etc., that may have come in contact with extremely invasive animals or plant or the seeds of these plants, shall be carefully cleaned before arriving on site and shall also be carefully cleaned before removal from the site, to prevent spread of these plants.

Vegetation shall be established on disturbed areas with an appropriate mix of California native plants and/or seed mix. All initial plantings and seed shall be installed upon completion of the construction of the detention basin.

### *Spoils*

To ensure spoil pile stability and to reduce the potential for spoil pile slope failure or transport to waters of the state, it is advisable to implement the following measures in placing or disposing of spoils onsite:

- Rip compacted soils prior to placing spoils to prevent the potential for ponding under the spoils that could result in spoil site failure and subsequent sediment discharges to watercourses;
- Compact and contour stored spoils to mimic the natural slope contours and drainage patterns to reduce the potential for fill saturation and failure;
- Ensure that spoil materials are free of woody debris, and not placed on top of brush, logs or trees.

Do not locate spoil piles in or immediately adjacent to wetlands and watercourses, or in a manner or location that would result in any runoff from the spoil pile ending up in wetlands and watercourses.

Separate organic material (e.g., roots, stumps) from the dirt fill and store separately. Place this material in long-term, upland storage sites, as it cannot be used for fill.

Keep temporary disposal sites out of wetlands, adjacent riparian corridors, and ordinary high water areas as well as high risk zones, such as 100-year floodplain and unstable slopes.

Spread material, which is not planned to be reused, in compacted layers, generally conforming to the local topography.

After placement of the soil layer, track walk the slopes perpendicular to the contour to stabilize the soil until vegetation is established. Track walking creates indentations that trap seed and decrease erosion of the reclaimed surfaces.

Revegetate the disposal site with a mix of native plant species. Cover the seeded and planted areas with mulched straw at a rate of 1 to 1 ½ tons per acre. Apply jute netting or similar erosion control fabric on slopes greater than 2:1 if site is vulnerable to erosion.

#### *Protection of Cultural Resources*

Some amount of additional ground-disturbance will result from implementation of BMPs required by the Order at certain locations that have the potential to affect cultural resources. In the event that cultural resources are identified during project activities, potential for inadvertent impacts will be avoided through implementation of the following mitigation measures:

- In the event that cultural resources are discovered during project activities, the project proponent shall contract with an archaeologist(s) or other historic preservation professional that meets The Secretary of the Interior's Professional Qualifications Standards (36 CFR Part 61, and 48 FR 44716) to complete cultural resource surveys at any sites with the potential to be impacted prior to any ground disturbing activities. This work may be augmented with the aid of a Native American cultural resources specialist that is culturally affiliated with the project area. Cultural and paleontological resource surveys shall be conducted using standard protocols to meet CEQA Guideline requirements.
- If cultural and/or paleontological resource sites are identified at a project location during project activities, one or more of the following protective measures to be implemented before work can proceed: a) fencing to prevent

accidental disturbance of cultural resources during construction, b) on-site monitoring by cultural and/or paleontological resource professionals during construction to assure that cultural resources are not disturbed, c) redesign of proposed work to avoid disturbance of cultural resources.

- The project proponent shall report any previously unknown historic, archeological, and paleontological remains discovered at a project location to the Regional Water Board.

#### *Protection of Tribal Cultural Resources*

*TCRs are defined in California Public Resources Code (PRC) section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:*

- *Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in PRC section 5020.1(k), or*
- *A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of PRC Section 5024.1.*

To identify and protect TCRs at all project sites, Permittees must comply with the appropriate mitigation measures described below. Any information regarding TCRs obtained during tribal consultation must comply with all applicable laws related to confidentiality and public disclosure of the information.

#### Procedures for Discovery During Significant Ground Disturbing Project Activities:

If any suspected archaeological materials or indicators<sup>2</sup> are uncovered or discovered during significant ground disturbing project activities that are regulated under this Rural Roads General Order, then those significant ground disturbing activities shall immediately cease within 50 feet of the find (100-foot diameter circle). Examples of significant ground disturbing activities may include: new deep ripping, trenching, excavation, road construction, reconstruction, or decommissioning. As soon as practicable following discovery, the Permittee shall consult a Professional Archaeologist to document and assess if the find is a historical resource pursuant to PRC section 5024.1(c) or a unique archaeological resource pursuant to PRC section 21083.2(g).

If the Professional Archaeologist determines that the find **is not** a Native American archaeological site, then the Permittee may continue operations at that site in compliance with all applicable laws and regulations related to archaeological

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<sup>2</sup> Archaeological materials or indicators may include but are not limited to: arrowheads and chipped stone tools; bedrock outcrops and boulders with mortar cups; ground stone implements (grinding slabs, mortars, and pestles) and locally darkened midden soils containing some of the previously listed items plus fragments of bone, fire affected stones, shellfish, or other dietary refuse.

discoveries as advised in writing by the Professional Archaeologist and approved by the Regional Water Board.

If the Professional Archaeologist determines that the find **is** a Native American archaeological site, then the Permittee or their designated Professional Archaeologist shall notify the Native American Heritage Commission within seven days of the discovery and request a list of any California Native American tribes that are potentially culturally affiliated with the discovery. The Permittee or their designated Professional Archaeologist shall notify any potentially culturally affiliated California Native American tribes of the discovery within 48 hours of receiving the list from the Native American Heritage Commission. The Professional Archaeologist shall develop proposed mitigation measures, which may include those listed in Mitigation Measures to protect TCR Sites (Section 4 below) as necessary. The proposed mitigation measures shall be submitted to the culturally affiliated California Native American tribes. If the affiliated tribe has no comments on proposed mitigation measures within **14 days** of a request for comments, the Permittee shall implement the final mitigation measures recommended by their archaeologist. A copy of the proposed mitigation measures shall be submitted to the Regional Water Board and the affiliated tribe prior to implementation.

If the affiliated tribe submits comments within **14 days** of a request for comments, then the Permittee will carefully consider any comments and mitigation measure recommendations submitted by the tribe with the goal of conserving TCRs with appropriate dignity. The Permittee shall provide a copy of the final proposed mitigation measures to the culturally affiliated California Native American tribes identified by the Native American Heritage Commission and to the Regional Water Board Executive Officer. In the event that the tribe and the landowner cannot reach an agreement, the Regional Water Board Executive Officer shall require mitigation measures such as from the list in Section 4 below. Upon tribe/landowner agreement or Executive Officer approval, project activities can resume within the affected zone.

Previously documented areas with archaeological material or indicators that have an archaeologist report with mitigation measures that continue to prevent significant impacts, are exempt from this section provided the Permittee avoids any significant adverse impacts to TCRs. If mitigation measures to protect the archaeological site are unclear or undocumented, then the Permittee must consult a Professional Archaeologist as described above. The Permittee must send a copy of the archaeology reports to the Regional Water Board and the affected tribe with a statement of protection measures for review of CEQA compliance.

Nothing in the Order should be construed as the Regional Water Board granting the authority to any third-party access to private land.

Mitigation Measures for Treatment of Human Remains:

Upon the discovery of any human remains at a permitted property, the Permittee shall immediately comply with Health and Safety Code section 7050.5 and, if applicable, PRC section 5097.98. The following actions shall be taken immediately upon the discovery of human remains:

All activities in the immediate vicinity of the discovery shall stop immediately. The Permittee shall immediately notify the county coroner. Ground disturbing activities shall not resume until the requirements of California Health and Safety Code section 7050.5 and, if applicable, PRC section 5097.98, have been met. The Permittee shall ensure that the human remains are treated with appropriate dignity.

Mitigation Measures to Minimize and Avoid Significant Adverse Impacts to TCR Sites:

Direct and indirect impacts to TCRs could occur from project operations. Direct impacts to TCR sites may result from significant ground disturbing activities especially around streams, and springs, stream crossings and steep banks. Direct impacts can also occur from project operations such as excavations for road prisms and watercourse crossings and grading roads that go through TCR sites. Indirect impacts can occur from disturbed access areas or other areas within the project site where heavy equipment traverses.

The following are examples of mitigation measures that, if feasible for a given site, may be used to minimize and avoid significant adverse impacts to TCRs sites:

- Avoidance of the site;
- Confidentiality of the location of the site;
- Fence off or cap-in-place areas of very high sensitivity such as burial and cemetery sites;
- Identify equipment travel routes around sensitive TCR sites;
- Conduct frequent walk-throughs of the sensitive TCR sites to assess conditions;
- Restrict activities in TCR sites to seasonally dry times of the year;
- Restrict new impacts at highly disturbed areas;
- Provide workers training (develop brochures) about potential TCR resources in the area;
- Protect the cultural character and integrity of the resource; and
- Other effective mitigation measures that reduce impacts to TCR sites to a less than significant level.

**Note** that not all mitigation measures will apply to individual project sites. Appropriate selection of the mitigation measures above as tailored to a project's individual impacts will reduce impacts to a less than significant level.

Previously documented areas, with archaeological material or indicators that have an archaeologist report and are employing mitigations that continue to prevent significant

impacts, are exempt from this section provided the Permittee continues to avoid any significant adverse impacts to TCR sites. If mitigation measures to protect the site are unclear or undocumented, then the Permittee must consult a Professional Archaeologist as described in **Section 2** above.

### III. References

Handbook for Forest, Ranch, & Rural Roads: A Guide for Planning, Designing, Constructing, Reconstructing, Upgrading, Maintaining, and Closing Wildland Roads  
[http://www.pacificwatershed.com/sites/default/files/handbook\\_chapter\\_download\\_page.pdf](http://www.pacificwatershed.com/sites/default/files/handbook_chapter_download_page.pdf)

A Water Quality and Stream Habitat Protection Manual for County Road Maintenance in Northwestern California Watersheds  
<http://www.5counties.org/roadmanual.htm>

Construction Site BMP Fact Sheets  
<http://www.dot.ca.gov/hq/construc/stormwater/factsheets.htm>

California Riparian Habitat Restoration Handbook  
[http://www.conservation.ca.gov/dlrp/watershedportal/InformationResources/Documents/Restoration\\_Handbook\\_Final\\_Dec09.pdf](http://www.conservation.ca.gov/dlrp/watershedportal/InformationResources/Documents/Restoration_Handbook_Final_Dec09.pdf)

The Practical Streambank Bioengineering Guide  
[http://www.nrcs.usda.gov/Internet/FSE\\_PLANTMATERIALS/publications/idpmcpu116.pdf](http://www.nrcs.usda.gov/Internet/FSE_PLANTMATERIALS/publications/idpmcpu116.pdf)

**ATTACHMENT B**  
**Notice of Intent Form**  
**DRAFT Order No. R1-2024-0002**

**Purpose of the Rural Roads General Order**

The North Coast Regional Water Quality Control Board (Regional Water Board) developed the Rural Roads General Order (Order) to expedite the planning, consultation, and permitting of projects that include rural road and watercourse crossing construction or reconstruction activities in the North Coast Region. The Order is primarily intended to address controllable erosion and sediment discharges on existing roads and crossings; however, it can also be used to effectively regulate new construction activities or to comply with enforcement requirements.

**Best Management Practice Requirements for the Rural Roads General Order**

The Order requires landowners and/or their responsible agents (Applicant) that are seeking authorization to adhere to pre-defined Best Management Practices (BMPs) applicable to site conditions to avoid, minimize, or mitigate impacts to water quality.

Conformance with this Order requires the Applicant to 1) certify their understanding of the erosion and sediment control BMPs identified by the Pacific Watershed Associates (PWA) in the Handbook for Forest, Ranch and Rural Roads (2015) or other similar guidance documents referenced in the Order; and 2) certify that their proposed activity conforms with the BMP standards identified in the PWA Handbook as Characteristics of Storm-Proofed Roads (Page 229, Figure 204). The PWA Handbook can be downloaded for free at the following locations: [Updated Handbook for Forest, Ranch and Rural Roads | Pacific Watershed Associates](#) or <https://www.pacificwatershed.com/roadshandbook>. An accompanying video produced by the Mendocino County Resource Conservation District and PWA titled Overview of the Handbook for Forest, Ranch & Rural Roads can be found at: [Storm-Proofing Forest, Ranch and Rural Roads \(Eel River Roads Video\) – YouTube](#) or <https://www.youtube.com/watch?v=U1bNYKLqZ4A>.

**Compensatory Mitigation for Road and Watercourse Crossing Projects**

Road and watercourse crossing construction, reconstruction, and use have the potential to adversely affect waters of the state through either temporary or permanent impacts, or both. Regional Water Board staff will work with Applicants to determine whether a project will result in only temporary impacts or if the project requires compensatory mitigation to offset permanent impacts. Projects that reduce the risk of sediment discharges and enhance channel conditions by improving existing road segments or watercourse crossings are expected to result in long term benefits to water quality. For new road and watercourse crossing projects or for projects done in response to a

regulatory enforcement order, compensatory mitigation may be required to offset permanent impacts to waters of the state.

### **Enrolling Projects Under the Rural Roads General Order**

The following provides an overview of the steps that occur *before* a project is permitted under the Order.

**Step 1: Read the Order (2024-0002).** Applicants must become familiar with the Order prior to submittal of a Notice of Intent (NOI). Not all projects will qualify for coverage based on the type of activity and other considerations.

**Step 2: Review the PWA Handbook Materials.** Applicants shall familiarize themselves with the erosion and sediment control principles identified in the Pacific Watershed Associates' Handbook for Forest, Ranch and Rural Roads (2015) and other supporting materials. See links on the previous page to download a free copy of the PWA Handbook and the accompanying overview video. If the links are no longer available, Regional Water Board staff can provide applicants with an electronic copy of the Handbook.

**Step 3: Pre-application consultation.** Projects often benefit from pre-application consultation with the Regional Water Board during the early stages of planning and design. Applicants are strongly encouraged to request a pre-application consultation as soon as the project concept is developed, or at least 30 days prior to submitting the NOI. During the pre-application consultation, Regional Water Board staff will review project materials and provide project-specific guidance for navigating the approval process. The duration of the pre-application consultation will depend on project complexity, design, and planning.

Note that local government and other regulatory agencies, such as the U.S. Army Corps of Engineers and the California Department of Fish and Wildlife, may also have authority separate from and in addition to this Order to authorize rural road construction and reconstruction projects. Applicants are encouraged to collaborate with other applicable regulatory agencies in coordination with the Regional Water Board during project design, especially when fish passage and/or listed species are considered.

**Step 4: Submit a completed NOI and application fee.** The NOI must be electronically submitted to the Regional Water Board at the following email address: [NorthCoast@waterboards.ca.gov](mailto:NorthCoast@waterboards.ca.gov).

The five different project types listed below are available for coverage under this Order and are subject to different fees.

1. Existing Road or Watercourse Crossing Reconstruction Projects
2. Grant Funded Projects
3. Roads and trail projects on California State Parks lands
4. New Road or Watercourse Crossing Construction Projects
5. Projects Required Through a Regulatory Enforcement Action

Projects that meet the eligibility criteria from 1 through 3 above currently qualify for Discharge Category D, from the State Water Board's fee schedule. Projects eligible for categories 4 through 5 will likely fall into Discharge Category A, Fill and Excavation Discharges as described in the State Water Board's fee schedule. A fee calculator can be found online at: [https://www.waterboards.ca.gov/water\\_issues/programs/cwa401/#fees](https://www.waterboards.ca.gov/water_issues/programs/cwa401/#fees).

The calculator is useful for estimation of fees, but project proponents must confirm the correct fee amount through consultation with the Regional Water Board prior to submitting payment. Appropriate fees will be determined by the current fee regulations at the time of NOI submittal for an individual project.

**Step 5: Completeness determination.** Within 30 calendar days of receipt of an NOI, Regional Water Board staff will determine whether the NOI is complete and will transmit the determination to the Applicant in writing. If the NOI is deemed incomplete, the Regional Water Board will specify in writing the information needed to complete the NOI. The Regional Water Board will determine its completeness within an additional 30 days after receipt of any required information. A pre-application consultation (Step 3) is recommended to reduce the likelihood of receiving an incomplete determination.

**Step 6: Notice of Applicability or Exclusion.** Once the NOI is deemed complete, and the Executive Officer determines all Order conditions have been satisfied, the Regional Water Board will issue an approval in the form of a Notice of Applicability (NOA) to the Applicant. If, upon conclusion of the additional 30-day NOI review period, the NOI is still incomplete, the Regional Water Board, at its discretion, may specify in writing the information still needed to complete the NOI or issue a denial in the form of a Notice of Exclusion.

The following provides an overview of the steps that occur *after* a project has been approved for coverage under the Order.

**Step 7: Project implementation.** Implementation of the project may proceed after all other required local, state, and federal permits or authorizations have been acquired.

**Step 8: Project monitoring.** Applicants must conduct post-completion monitoring and reporting as described in section IV of the Order to ensure BMPs and compensatory mitigation were implemented as designed and are functioning properly and self-sustaining, or whether additional work is needed.

**Step 9: Submit a Notice of Project Complete Letter.** At the end of project construction and any required monitoring, the Applicant shall submit a signed Notice of Termination (Attachment D) along with their final monitoring report certifying that the project meets the definition of a completed project provided in section VI.e of the Order.

**NOTICE OF INTENT**  
**TO COMPLY WITH THE TERMS OF THE**  
**NORTH COAST REGIONAL WATER QUALITY CONTROL BOARD**  
**RURAL ROADS GENERAL ORDER**  
**ORDER NUMBER R1.2024-0002**

Regional Water Quality Control Board (Regional Board) - <i>FOR AGENCY TRACKING USE ONLY</i>			
WDID:	Regional Board Office:	Date NOI Received:	Check No:

**I. PROJECT APPLICANT**

Project Title:	
Applicant Name:	
Street Address:	
City, County, State, Zip:	
Telephone:	
E-mail:	

**II. PROPERTY OWNER**       Check Box if Same as Project Applicant

Name:	
Street Address:	
City, County, State, Zip:	
Telephone:	
E-mail:	

**III. PROJECT LOCATION**

A. Address or description of project location.			
B. Check box to verify that a map of at least 1:24000 (1" = 2000') detail of the proposed project site (e.g., USGS 7.5 minute topo map) is enclosed:			<input type="checkbox"/> Project Map Attached
C. County:			
D. Coordinates (provide latitude/longitude in decimal degrees)			
Latitude:		Longitude:	
E. Name of the receiving watershed or water body:			

#### IV. GENERAL PROJECT DESCRIPTION and SCHEDULE

A. Provide a general description of the project goals and objectives. Attach any diagrams, drawings, plans, and/or maps to this application. ( <i>Attach additional pages as needed</i> ):				
B. Estimated Project Schedule:	Beginning (Month / Year)		Ending (Month / Year)	
C. Seasonal Work Period:				
D. Estimated Total Number of Workdays:				
E. Identify the applicable pollutant discharge prevention and other environmental protection measures to be implemented during construction. Describe project design steps taken to first avoid, and then minimize, impacts to waters of the state to the maximum extent practicable (see alternatives analysis Attachment B).				
F. Will the proposed project require work in the wetted portion of the aquatic resource? <input type="checkbox"/> YES <input type="checkbox"/> NO If yes, describe the work that will be required, the type of equipment to be used, whether diversion or dewatering will be required and method and design if required, and how long equipment will be in the wetted portion of the aquatic resource.				

#### V. PROJECT ATTRIBUTES

Applicants must describe the attributes of their project by either: (1) completing all pertinent road and watercourse crossing related information in sections A through F below, and the “storm-proofing characteristics” in section G that will apply upon project completion; or (2) submitting detailed project descriptions and design attributes as an attachment to this application and checking the box below.			
<input type="checkbox"/> <b>Detailed project information is attached (proceed directly to Section VI)</b>			
Identify which project activities apply and complete all corresponding attribute sections:			
<input type="checkbox"/> <b>Road reconstruction activities</b> (section <b>A</b> below)			
<input type="checkbox"/> <b>Crossing reconstruction activities</b> (sections <b>B and C</b> below)			
<input type="checkbox"/> <b>New road construction activities</b> (section <b>D</b> below)			
<input type="checkbox"/> <b>New crossing construction activities</b> (sections <b>E and F</b> below)			
<b>ROAD and WATERCOURSE CROSSING RECONSTRUCTION ACTIVITIES</b>			
<b>Section A. Road Reconstruction Activities on Existing Roads</b>			
Length of road to be reconstructed (feet):		Length of road to be disconnected from streams (feet)	
<b>Section B. Existing Watercourse Crossing Reconstruction Activities</b>			
Number of watercourse crossings to be reconstructed:		Number and sizes (diameter and length) of culverted crossings:	
Number of rock-armored fill crossings:		Number of ford crossings:	
Number of vented fords:		Number of bridges:	

<b>Section C. Watercourse Crossing Reconstruction Footprint</b>			
Total linear footprint of all crossing activities, including any rock armor (in stream length):		Total area of all crossing reconstruction activities, including any rock armor (measured in acres):	
<b>NEW ROAD and WATERCOURSE CROSSING ACTIVITIES</b>			
<b>Section D. New Road Construction Activities</b>			
Length of new road construction:		Width of new road to be constructed:	
<b>Section E. New Watercourse Crossing Construction Activities</b>			
Total number of new watercourse crossings:		Number of culverted watercourse crossings:	
Number of rock-armored fill crossings:		Number of ford crossings:	
Number of vented fords:		Number of bridges:	
<b>Section F. New Watercourse Crossing Construction Footprint</b>			
Total linear footprint of all new crossing activities, including any rock armor (in stream length):		Total area of all crossing construction activities, including any rock armor (measured in acres):	
<b>STORM-PROOFING CHARACTERISTICS (COMPLETE FOR ALL PROJECT TYPES)</b>			
<b>Section G. Watercourse Crossing Characteristics</b>			
Check the "Yes" box for all characteristics that will be applied to the project. Check the "No" box for any characteristic deviations. Check the "N/A" box for characteristics that do not apply to the project. The Project applicant should provide details and justification for ALL deviations.			
<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	All proposed watercourse crossings construction and/or reconstruction activities will include drainage structures (e.g., culverts, rock armored fill crossings, fords, and bridges) designed for the 100-year flood flow (including watershed products).		
<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	All project-related watercourse crossings will have no diversion potential (functional critical dips in place).		
<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	Culvert inlets have low plug potential (trash racks/deflectors installed where needed).		
<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	Culverts will be installed at the base of the fill and in line with the natural channel.		
<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	Watercourse crossing culvert outlets will be protected from erosion (extend beyond base of fill, energy dissipation installed where needed)		
<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	Stream crossing fills and bridge abutments will be stable, sufficiently compacted, and armored (where necessary) to minimize vulnerability to erosion.		
<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	Approaching road surfaces and ditches will be "disconnected" from streams and stream crossing culverts to the maximum extent feasible using road shaping and road drainage structures.		
<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	Class I (fish-bearing) stream crossings will meet California Department of Fish and Wildlife and National Marine Fisheries Service fish passage criteria.		
<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	Decommissioned stream crossings are excavated to exhume the original, stable, stream bed and channel sideslopes, and then stabilized with mulch and vegetation.		

<b>Section F. Road Surface Drainage Characteristics</b> (Check “Yes, No, or N/A” for each characteristic)	
<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	Road surfaces and ditches are hydrologically “disconnected” from streams and stream crossing culverts to the extent feasible.
<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	Road surface runoff will be dispersed, rather than collected and concentrated.
<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	Ditches will be drained frequently by functional ditch relief culverts, rolling dips or crossroad drains.
<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	Outflow from ditch relief culverts will not discharge to streams.
<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	Ditch relief culverts with gullies that deliver to a stream will be removed or dewatered.
<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	Decommissioned roads will have permanent drainage and will not rely on ditches.
<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	Fine sediment discharges to streams from roads, cutbanks and ditches will be minimized by utilizing seasonal closures.
<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	A variety of surface drainage techniques will be utilized including berm removal, road surface shaping (outsloping, insloping or crowning) rolling dips, ditch relief culverts, waterbreaks and other measures to disperse road surface runoff and reduce or eliminate sediment delivery to the stream.
<b>Section G. Road and Landing Fills Characteristics</b> (Check “Yes, No, or N/A” for each characteristic)	
<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	<input type="checkbox"/> Unstable and potentially unstable road and landing fills that could deliver sediment to a stream will be excavated (removed) or structurally stabilized.
<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	<input type="checkbox"/> Excavated spoils will be placed in locations where eroded materials will not enter a water of the state.
<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	<input type="checkbox"/> Excavated spoils will be placed in locations where they will not cause a slope failure or landslide.

## VI. PROJECT IMPACTS AND MITIGATION (For New Watercourse Crossing Construction)

### Watercourse Crossing Upgrades and Reconstruction to Current Standards

Upgrading or reconstructing a watercourse crossing to current standards can impact a stream channel, but those impacts are considered temporary and self-mitigating by design. Crossing upgrades to the standards of this Order do not require compensatory mitigation to offset impacts because they are considered an enhancement to stream functions that will likely result in better water quality protection.

### New Watercourse Crossing Construction

New watercourse crossing (where one does not currently exist) construction is considered a new permanent impact to a water of the state that require compensatory mitigation. Applicants should complete the table below to summarize the total impacts to waters of the state from new watercourse crossing construction activities. These amounts are used to determine the appropriate compensatory mitigation needed to offset the project impacts.

**A.** For each of the water body types listed below, indicate the areas in acres and linear feet that will be temporarily and permanently impacted by the project, as applicable. See Attachment B for impacts and mitigation definition and types.

Water Body Type	Temporary Impacts		Permanent Impacts	
	Acres	Linear Feet	Acres	Linear Feet
Wetland				

Riparian				
Streambed/Stream bank				
TOTAL:				

**B. Restoration of temporary Impacts:** Describe the nature of the temporary impacts and how the aquatic resources will be restored. If riparian vegetation is cut or removed, attach a restoration plan describing how ecological functions will be restored following project implementation.

**C. Mitigation of new permanent Impacts:** Describe the nature of the permanent impacts from the project listed above and the compensatory mitigation to offset those impacts to waters of the state. A compensatory mitigation plan should be proposed with this NOI and developed in a manner that offsets the same type or character of impacts. Please describe the type and amount (area and linear feet) of mitigation proposed here or name a separate plan where it is described in detail.

**VII. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)**

All projects utilizing this Order must comply with the terms of the California Environmental Quality Act. The Order was analyzed in the Statewide (SCH # xxxxxxxxxxxx)	<input type="checkbox"/> yes <input type="checkbox"/> no
<input type="checkbox"/> The CEQA Lead Agency has prepared other/additional CEQA compliance documentation (noted below)	

**VIII. OTHER DOCUMENTATION AND COMPLIANCE**

**Check and attach the following applicable documents**

**Required Permits/Approvals:**

- USACE Section 404 Clean Water Act Permit
- USFWS Biological Opinion/Incidental Take Permit
- NMFS Biological Opinion/Incidental Take Permit
- CDFW Lake or Streambed Alteration Agreement (FGC 1600)
- CDFW Incidental Take Permit (FGC Section 2081)
- Coastal Development Permit or Consistency Determination. CCC/ Local Coastal Plan (LCP)

**IX. APPLICATION REQUIREMENTS AND FEES**

Permit:	Submit Application to following:
Rural Roads General Order No. R1-2024-0002	The NOI must be electronically submitted to the Regional Water Board at: northcoast@waterboards.ca.gov. The NOI application fee can be mailed to the Regional Water Board at: 5550 Skylane Blvd., Suite A, Santa Rosa, CA 95403.
Fees:	Fees must be submitted with the NOI and are subject to the most current Dredge & Fee calculator. Refer to the Fees section of the Dredge/Fill (401) and Wetlands program web site for the most current fee information. <a href="https://www.waterboards.ca.gov/water_issues/programs/cwa401/#fees">https://www.waterboards.ca.gov/water_issues/programs/cwa401/#fees</a> .

**X. SIGNATURE / CERTIFICATION**

North Coast Regional Water Quality Control Board: Notice of Intent to Comply with the Terms of Water Quality Certification and Waste Discharge Requirements for Rural Roads Projects

I certify under penalty of law that this application and all attachments were prepared under my direction or supervision in accordance with a process designed to assure that qualified personnel properly gather and evaluate the information submitted. The information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

\_\_\_\_\_  
Legally Responsible Person

\_\_\_\_\_  
Date

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Duly Authorized Representative Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Printed Name

DRAFT

**ATTACHMENT C**  
**Notice of Termination**  
**Rural Roads General Order**  
**DRAFT Order Number R1-2024-0002**

**I. PROJECT APPLICANT and LEGALLY RESPONSIBLE PERSON INFORMATION**

Project Title:	
Legally Responsible Person Name:	
Street Address:	
City, County, State, Zip:	
Telephone:	
E-mail:	

**II. PROPERTY OWNER**

Check Box if Same as Legally Responsible Person

Name:	
Street Address:	
City, County, State, Zip:	
Telephone:	
E-mail:	

**III. PROJECT LOCATION**

A. Address or description of project location.	
B. Check box to verify that a map of at least 1:24000 (1" = 2000') detail of the proposed project site (e.g., USGS 7.5 minute topo map) is enclosed:	<input type="checkbox"/> Project Map Attached

C. County:			
D. Coordinates ( <i>provide latitude/longitude in decimal degrees</i> )			
Latitude:		Longitude:	
E. Name of the receiving watershed or water body:			

### XIII. SIGNATURE / CERTIFICATION

<u>North Coast Regional Water Quality Control Board: Notice of Termination</u> I certify under penalty of law that the project has been completed according to the project description included in the NOI as well as any needed corrective action identified from monitoring inspections, any compensatory mitigation work has been implemented as is self-sustaining, and the site is stabilized. Sites have been treated such that no potential for waste discharges from the Project in violation of the Basin Plan. The project meets all applicable characteristics of storm proofed roads from Attachment A of the Order. Earthen materials and waste have been disposed of properly.	
_____ Legally Responsible Person	_____ Date
_____ Printed Name	
_____ Duly Authorized Representative Signature	_____ Date
_____ Printed Name	

**ATTACHMENT D**  
**Monitoring Inspection Form**  
**Rural Roads General Order**  
**DRAFT Order Number R1-2024-0002**

Section IV of Order No. R1-2024-0002, establishes the Monitoring and Reporting Program (MRP), issued pursuant to Water Code section 13267, subdivision (b) and/or Water Code section 13383, and requires Dischargers to implement the monitoring and reporting described therein. Project proponents must conduct post-completion on-site evaluations to ensure BMPs and compensatory mitigation were implemented as designed and are functioning properly and self-sustaining, or whether additional work is needed.

Beginning the first year of project activities, project proponents shall inspect the project area according to the following schedule:

- i. By November 15 to ensure that project has been implemented as designed and that project areas are secure for the winter;
- ii. Between April 1 and June 15 to assess how the project area has performed during the winter period and to identify whether any problems have developed that require additional work.

For each required inspection, Dischargers shall evaluate the project area to ensure that all management measures described in the approved application package have been implemented as designed and are functioning properly. Any evidence of active or potential erosion or sediment discharge should be identified and measures to prevent or minimize sediment discharge implemented as soon as feasible.

Dischargers shall continue to monitor the project as described above for the duration specified in the signed Notice of Applicability.

Reporting

Project proponents shall document the results of each required inspection in this inspection summary form (a separate form must be filled out for each inspection). Reports must contain sufficient information that Regional Water Board staff can clearly understand site conditions following completion of work and throughout the monitoring period, including key results, findings, problems encountered, and corrective actions taken.

**PROJECT APPLICANT and LEGALLY RESPONSIBLE PERSON INFORMATION**

Project Title:	
Legally Responsible Person Name:	
Street Address:	
City, County, State, Zip:	
Telephone:	
E-mail:	

**II. PROJECT LOCATION**

A. Address or description of project location.			
B. Check box to verify that a map of at least 1:24000 (1" = 2000') detail of the proposed project site (e.g., USGS 7.5 minute topo map) is enclosed:			<input type="checkbox"/> Project Map Attached
C. County:			
D. Coordinates ( <i>provide latitude/longitude in decimal degrees</i> )			
Latitude:		Longitude:	
E. Name of the receiving watershed or water body:			

**III. INSPECTION INFORMATION**

Date of inspection:	
Name of person(s) conducting inspection:	
Street Address:	

City, County, State, Zip:	
Telephone:	
E-mail:	

#### IV. INSPECTION CHECKLIST

A. Watercourse Crossings	Comments (for all “no” answers, provide explanation, including description of any corrective action performed or planned). Additional pertinent information can be included in the blank pages provided below.	
All project-related watercourse crossings have no diversion potential (functional critical dips in place).	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>	
Culvert inlets have low plug potential (trash racks or deflectors installed where needed).	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>	
Excavated stream banks and fill slopes are stable, no sign of failure or ongoing/potential erosion.	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>	
No evidence of scour at culvert inlets or outlets.	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>	
Culverts are installed at the base of the fill and in line with the natural channel.	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>	
Watercourse crossing culvert outlets are protected from erosion (extend beyond base of fill, energy dissipation installed where needed) and no erosion is occurring.	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>	
Stream crossing fills and bridge abutments are stable, sufficiently compacted, and armored (where necessary) and no evidence of erosion or failure.	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>	
Approaching road surfaces and ditches are “disconnected” from streams and stream crossing culverts to the maximum extent feasible using road shaping and road drainage structures.	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>	

Class I (fish-bearing) stream crossings meet California Department of Fish and Wildlife and National Marine Fisheries Service fish passage criteria.	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>	
Decommissioned stream crossings are excavated to exhume the original, stable, stream bed and channel sideslopes, and then stabilized with mulch and vegetation.	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>	
<b>B. Road Surface Drainage Characteristics</b>		
Road surfaces and ditches are hydrologically “disconnected” from streams and stream crossing culverts to the extent feasible.	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>	
Road is shaped such that surface runoff will be dispersed to reduce or eliminate sediment deliver to streams.	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>	
Any concentrated runoff is discharged to low or moderate gradient well vegetated areas.	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>	
Ditches are drained frequently by functional ditch relief culverts, rolling dips or crossroad drains.	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>	
Outflow from ditch relief culverts do not discharge to streams or on slopes that are vulnerable to gully erosion.	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>	
Gullies are not present below ditch relief culverts.	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>	
Decommissioned roads have permanent drainage and do not rely on ditches.	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>	
<b>C. Road and Landing Fills Characteristics</b>		
Unstable and potentially unstable road and landing fills that could deliver sediment to a stream have been excavated (removed) or structurally stabilized.	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>	
No evidence of cracking or perched fill, or ruts or surface erosion on fills observed.	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>	

Excavated spoils have been placed in locations where eroded materials will not enter a water of the state and no erosion and mobilization of spoils is occurring.	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>	
Excavated spoils have been placed in locations where they will not cause a slope failure or landslide.	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>	
<b>D. Compensatory Mitigation</b>		
Compensatory mitigation project has been implemented and is functioning as designed.	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>	

### XIII. SIGNATURE / CERTIFICATION

<u>North Coast Regional Water Quality Control Board: Inspection Summary Form</u> I certify under penalty of law that this inspection summary form was prepared under my direction or supervision in accordance with a process designed to assure that qualified personnel properly gather and evaluate the information submitted. The information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.	
_____ Legally Responsible Person	_____ Date
_____ Printed Name	
_____ Duly Authorized Representative Signature	_____ Date
_____ Printed Name	

**ATTACHMENT E**  
**Compensatory Mitigation Guidance**  
**Rural Roads General Order**  
**DRAFT Order Number R1-2024-0002**

**Impact types - temporary vs permanent**

Projects permitted under this Order shall be designed and implemented to avoid, minimize, or mitigate impacts to aquatic resources and the environment. Where impacts are determined to be unavoidable, mitigation measures can be required to compensate for the permanent loss of aquatic resources or to address temporary impacts.

**Temporary impacts** are a project's effects on aquatic resources or the environment which are typically short-term in nature and will be completely restored to pre-project condition at the same location through the implementation of best management practices (e.g., soils stabilization or replanting), or through passive restoration.

Many temporary impacts that result from rural road projects (e.g., temporary diversions, work within channels to upgrade culverts, hydrologically disconnecting roads and approaches, etc.) will typically not require a stand-alone restoration plan since channel functions will be restored as flow returns as part of project designs and implementation.

However, there may be unique circumstances in which the Regional Water Board will require a stand-alone restoration plan and monitoring to restore temporary impacts. For example, a restoration plan may be required to replace woody riparian vegetation that has to be cut or removed in order to conduct the project. For temporary impacts lasting more than 1-2 years or extended temporal loss of functions expected until recovery, additional mitigation may be required.

**Permanent impacts** are a project's effects on aquatic resources and functions that result in loss of resource area (filled) and/or long-term ecological function degradation within the aquatic resource that will never fully recover. Mitigation is required to offset these impacts and must meet the California Wetland Conservation Policy (W-59-93). Permanent impacts may require a Compensatory Mitigation Plan (with the exception of crossing upgrades to current standards). Consult with Regional Water Board staff and see below.

Below are some examples of typical temporary and permanent impacts to watercourse channels or riparian zones, that may result from road and watercourse crossing construction or reconstruction activities:

- **Temporary impact channel** - removal of a culvert, bridge or other type of crossing and replacement with an upgraded structure of the same length.
- **Temporary impact riparian** - removal of riparian plants in an area that can be replanted and restored over time.

- **Permanent impact channel** – construction of a new culvert, bridge, or other type of crossing structure where there is currently no crossing; or replacement of a sub-standard crossing that results in additional impacts to a natural stream channel.
- **Permanent impact riparian** - removal of riparian vegetation and replacement with a road or other feature that prevents or degrades riparian functions within that footprint.

### **Project alternatives analysis including impact avoidance and minimization measures**

Alternatives analysis - The purpose of an alternatives analysis (AA) is to identify the Least Environmentally Damaging Project Alternative (LEDPA). The AA should include a description of at least two viable alternatives to the proposed project and also a discussion/justification about why the proposed project is the LEDPA. The level of effort required for an AA shall be commensurate with the significance of impacts. Projects that meet the definition of an Ecological Restoration and Enhancement Project (EREP) or solely have temporary impacts, do not need to prepare an AA.

For example, typical RRGO project activities include culvert/crossing replacement or installation. For these types of projects that do not meet the definition of an EREP or have permanent impacts, AA discussion topics should include, but not be limited to:

- What other crossing types (at least two viable alternatives) were considered.
- Why the two alternatives were not selected.
- For new crossings, what other crossing locations were assessed.
- Why these alternative locations were not selected.
- Why the proposed project is the LEDPA. This should include an explanation, with justification, about why the proposed crossing type and location were selected over the two alternatives and a discussion about how permanent impacts to aquatic resources were avoided and/or minimized.
- Measures to minimize impacts to channel bed;
- Culverts placed in channel alignment and on stream gradient;
- Dry season work window and/or dewatering to minimize impacts to aquatic resources. If dewatering, must submit dewatering plan with application;
- Pollutant discharge prevention measures: Machinery working from outside the channel, if in-channel access is necessary prepare pollutant prevention plan;
- Sediment discharge minimization measures: Sediment and erosion control measures to be implemented during and after project to stabilize disturbed soil;
- Crossing failure minimization: Describe measures to prevent and minimize crossing failure such as critical dips, trash racks, etc.

### **Temporary impact restoration**

It is anticipated that temporary impacts from rural road projects may typically require only passive restoration unless Regional Water Board staff determine that some active efforts are warranted.

### **Permanent impact mitigation**

Upgrading a crossing to current standards that results in additional permanent impacts to a natural stream channel are considered self-mitigating by design. Crossing upgrades to the standards of this Order are considered an enhancement<sup>1</sup> to stream functions.

Compensatory mitigation for permanent impacts to a channel due to installation of new culvert, bridge, or other type of crossing structure should provide a substantive and direct ecological benefit and may include the following measures or considerations:

In channel:

- Removal of existing culvert or bridge of same length and restoring (daylighting) an open channel<sup>2</sup>;
- Improvement of channel of same length, which could include widening of existing crossing/culvert, embedding of new culvert, placing replacement culvert in channel alignment and on gradient<sup>1</sup>;
- Implement measures to ensure adequate fish passage, such as embed culverts below bed elevation or incorporate other design elements to improve fish passage<sup>1</sup>;
- Improvement of onsite existing riparian area at 2:1 area ratio<sup>2</sup>;
- Improvement of channel of same length, which could include placement of large woody material (LWM) or other in-channel improvements, channel bank improvements to reduce sediment discharges<sup>2</sup>; or
- Work with Regional Water Board staff to develop appropriate mitigation to offset impacts.

Wetlands or riparian areas:

- Unavoidable impacts that result in loss of area of wetlands or riparian vegetation requires the submittal of a mitigation plan. A mitigation plan describes actions to be taken to establish<sup>3</sup> or re-establish<sup>4</sup> wetlands or riparian vegetation of a greater area than those impacted;
- Unavoidable impacts that degrade wetland or riparian functions, but do not result in loss of area, require the submittal of a mitigation plan. A mitigation plan must describe actions to be taken to enhance<sup>1</sup> or rehabilitate<sup>2</sup> impacted wetland or riparian functions of a greater area than those impacted.

Mitigation type definition footnotes:

1. **Enhancement** means the manipulation of the physical, chemical, or biological characteristics of an aquatic resource to heighten, intensify, or improve a specific aquatic resource function(s). Enhancement results in the gain of selected aquatic resource function(s), but may also lead to a decline in other aquatic resource function(s). Enhancement does not result in a gain in aquatic resource area.
2. **Rehabilitation** means the manipulation of the physical, chemical, or biological characteristics of a site with the goal of repairing natural/historic functions to a degraded aquatic resource. Rehabilitation results in a gain in aquatic resource function, but does not result in a gain in aquatic resource area.
3. **Establishment (or Creation)** means the manipulation of the physical, chemical, or biological characteristics present to develop an aquatic resource that did not previously exist at the site. Establishment results in a gain of aquatic resource area and function.
4. **Re-establishment** means the manipulation of the physical, chemical, or biological characteristics of a site with the goal of returning natural/historic functions to a former aquatic resource. Reestablishment results in rebuilding a former aquatic resource and results in a gain in aquatic resource area and functions.

**ATTACHMENT F**  
**Supplemental Order Findings**  
**Rural Roads General Order**  
**DRAFT Order Number R1-2024-0002**

This attachment contains supplemental Order findings pertaining to 1) the legal and regulatory framework and basis of the Rural Roads General Order, and 2) tribal consultations and outreach and engagement with the public and disadvantaged communities during development of the Order.

**I. Legal and Regulatory Framework Findings**

**A. Clean Water Act**

1. Numerous streams in the North Coast Region are listed as impaired for sediment and temperature pursuant to Clean Water Act section 303(d). The Clean Water Act requires states to address impaired waters by developing a total maximum daily load (TMDL) or by implementing water quality programs that result in the attainment of water quality standards.
2. TMDLs have been developed for most of the sediment and temperature-impaired waters in the North Coast Region. While the actual load allocations and targets may vary from one sediment or temperature TMDL to another, all address the basic issues of reducing and preventing excess sediment inputs or decreasing water temperature by protecting and restoring natural shade, respectively.

**B. Porter-Cologne Water Quality Control Act**

1. The Porter-Cologne Water Quality Control Act, also known as Division 7 of the California Water Code<sup>1</sup> or simply Porter-Cologne, is California's comprehensive water quality control statute, which implements portions of the Clean Water Act. Under Porter-Cologne, water quality objectives are established to ensure the reasonable protection of beneficial uses and the prevention of nuisance, in consideration of various factors including past, present, and probable future beneficial uses of water<sup>2</sup>.
2. Water Code section 13260(a) requires that any person discharging waste or proposing to discharge waste within any region that could affect the quality of the waters of the state, other than into a community sewer system, shall file with the appropriate regional water board a Report of Waste Discharge (ROWD) containing

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<sup>1</sup> Water Code, section 13000 et seq.

<sup>2</sup> Water Code, section 13241.

such information and data as may be required by the Regional Water Board. This Order establishes Waste Discharge Requirements for activities involving construction, reconstruction and maintenance and associated discharges described in findings 5 through 7 and includes monitoring requirements to verify the efficacy of the requirements. This Order also includes a General 401 Water Quality Certification for those project activities that may affect federally jurisdictional waters that necessitate a Clean Water Act Section 404 or other federal permit from the U.S. Army Corps of Engineers (ACOE).

3. The State Water Board or a regional water quality control board may prescribe general waste discharge requirements for a category of discharges if the State Water Board or that regional water board finds or determines that all of the following criteria apply to the discharges in that category:
  - i. The discharges are produced by the same or similar operations;
  - ii. The discharges involve the same or similar types of waste;
  - iii. The discharges require the same or similar treatment standards; and
  - iv. The discharges are more appropriately regulated under general discharge requirements than individual discharge requirements.
4. The Regional Water Board believes it is appropriate to regulate discharges from road and watercourse crossing construction and reconstruction activities that implement all applicable BMPs for the protection and improvement of the beneficial uses of water under a general order rather than individual discharge requirements because this Order addresses the same or similar discharges of waste from the same or similar operations and proposes the same or similar treatment methods and management practices. By regulating these discharges and activities under a general order, it simplifies and streamlines the regulatory process and allows Regional Water Board staff to focus its limited resources on working with dischargers within the North Coast Region to protect water quality.
5. Pursuant to Water Code section 13260, this Order, and any enrollment under this Order: 1) is conditional; 2) may be terminated at any time; 3) does not permit any illegal activity; 4) does not preclude the need for permits which may be required by other federal, state, or local governmental agencies; and 5) does not preclude the Regional Water Board from administering enforcement remedies pursuant to the Water Code.
6. This Order, including enrollments under this Order, does not create a vested right; discharges of waste are privileges, not rights, as provided for in Water Code section 13263, subdivision (g).
7. This Order and its attachments may be modified, revoked, reissued, or terminated. If unforeseen circumstances resulting from the Order have the effect of unreasonably constraining rural road activities.

### **C. Water Quality Control Plan for the North Coast Region**

1. The Water Quality Control Plan for the North Coast Region (Basin Plan) contains the regulations adopted by the Regional Water Board to control the discharge of waste and other controllable factors affecting the quality of waters of the state<sup>3</sup> within the boundaries of the North Coast Region. The Basin Plan, as amended periodically, establishes:
  - a. beneficial uses of water within the region;
  - b. water quality objectives necessary to protect those beneficial uses;
  - c. prohibitions, policies, and action plans to achieve water quality objectives;
  - d. monitoring to ensure attainment of water quality standards; and
  - e. statewide plans and policies.
  
2. The existing and potential beneficial uses of waters in the North Coast Region include:
  - a. Municipal and Domestic Supply (MUN)
  - b. Agricultural Supply (AGR)
  - c. Industrial Service Supply (IND)
  - d. Industrial Process Supply (PRO)
  - e. Groundwater Recharge (GWR)
  - f. Freshwater Replenishment (FRSH)
  - g. Navigation (NAV)
  - h. Hydropower Generation (POW)
  - i. Water Contact Recreation (REC-1)
  - j. Non-Contact Water Recreation (REC-2)
  - k. Commercial and Sport Fishing (COMM)
  - l. Cold Freshwater Habitat (COLD)
  - m. Warm Freshwater Habitat (WARM)
  - n. Wildlife Habitat (WILD)
  - o. Preservation of Areas of Special Biological Significance (ASBS)
  - p. Preservation of Areas of Special Rare, Threatened, or Endangered Species (RARE)
  - q. Marine Habitat (MAR)
  - r. Migration of Aquatic Organisms (MIGR)
  - s. Spawning, Reproduction, and/or Early Development (SPWN)
  - t. Shellfish Harvesting (SHELL)
  - u. Estuarine Habitat (EST)
  - v. Aquaculture (AQUA)
  - w. Native American Culture (CUL)

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<sup>3</sup> Porter-Cologne defines “waters of the state” to mean any surface water or groundwater, including saline waters, within the boundaries of the state.

- x. Flood Peak Attenuation/Flood Water Storage (FLD)
  - y. Wetland Habitat (WET)
  - z. Water Quality Enhancement (WQE)
  - aa. Subsistence Fishing (FISH)
  - bb. Inland Saline Water Habitat (SAL)
3. Compliance with the conditions in the Order will protect the beneficial uses listed above and promote attainment of water quality objectives.
  4. The Basin Plan was duly adopted by the Regional Water Board and approved by the State Water Resources Control Board (State Water Board), Office of Administrative Law, and U.S. EPA, where required.
  5. The Regional Water Board has reviewed the contents of the Order, the supporting Mitigated Negative Declaration, written public comments and testimony provided after notice and hearing, and hereby finds that the adoption of the Order is consistent with the Basin Plan and is in the public interest.

#### **D. Policy for Implementation and Enforcement of Nonpoint Source Pollution Control Program**

1. In 2004, the State Water Board adopted the *Policy for Implementation and Enforcement of Nonpoint Source Pollution Control Program*<sup>4</sup> (Nonpoint Source Policy). The Nonpoint Source Policy requires nonpoint source discharges of waste to be regulated by waste discharge requirements, waivers of waste discharge requirements, or Basin Plan prohibitions to ensure compliance with regional water board water quality control plans.
2. This Order meets the requirements of the five key elements under the Nonpoint Source Policy:
  - a. **Key Element 1:** The Order explicitly states the purpose in Finding 1: “This Rural Roads General Order (hereafter referred to as the “Order”) is intended to ensure that rural road and watercourse crossing construction and reconstruction activities implement all applicable Best Management Practices (BMPs) designed to minimize road related sediment discharge.”
  - b. **Key Element 2:** The Order requires implementation of all applicable Best Management Practices referenced in Finding 5 of the Order on all permitted projects. Implementation of these best management practices have been shown to in the FPRs are expected to ensure compliance with Basin Plan requirements

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<sup>4</sup> The Nonpoint Source Policy:

[https://www.waterboards.ca.gov/water\\_issues/programs/nps/docs/plans\\_policies/nps\\_ie\\_policy.pdf](https://www.waterboards.ca.gov/water_issues/programs/nps/docs/plans_policies/nps_ie_policy.pdf).

and reduce the likelihood that forest management projects pose a significant threat to water quality and are included as enforceable requirements of the Order by reference. Additionally, required monitoring inspections are intended to verify proper implementation of these practices.

- c. **Key Element 3:** Water quality requirements must be met during project implementation; thus, a specific time schedule is not applicable.
- d. **Key Element 4:** Section IV of the Order includes a monitoring and reporting component that requires project proponents to conduct post-completion on-site evaluations to ensure BMPs and compensatory mitigation were implemented as designed (while still providing a mechanism to allow flexibility to make changes during implementation as conditions warrant), are functioning properly and are self-sustaining, or whether additional work is needed. The monitoring and reporting requirement provides sufficient feedback mechanisms to determine that applicable requirements are met and inform whether additional or different management practices or other actions are required.
- e. **Key Element 5:** Failure to comply with any of the provisions of this Order can result in rescission or denial of coverage for the project. Additionally, unauthorized discharge of waste to waters of the state can result in enforcement under Water Code sections 13350, 13264, and other applicable law.

#### **E. Statement of Policy with Respect to Maintaining High Quality of Waters in California**

1. In 1968, the State Water Board adopted<sup>5</sup> the *Statement of Policy with Respect to Maintaining High Quality of Waters in California*, Resolution No. 68-16 (Antidegradation Policy)<sup>6</sup>. The Antidegradation Policy requires whenever the existing quality of water is better than the quality established in policies as of the date on which such policies become effective, such existing high quality must be maintained. The Antidegradation Policy only allows change in existing high-quality water if it has been demonstrated to the Regional Water Board that the change is consistent with maximum benefit to the people of the state, will not unreasonably affect present and anticipated beneficial uses of such water, and will not result in water quality less than

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<sup>5</sup> Section 131.12 of the U.S. EPA's Water Quality Standards regulations includes the "federal antidegradation policy" which emphasizes protection of instream beneficial uses, especially protection of aquatic organisms, and required each state's water quality standards to include a policy consistent with the federal antidegradation policy. The State Antidegradation Policy is deemed to incorporate the Federal Antidegradation Policy where the federal policy applies under federal law. (State Water Board Order WQ 86-17.)

<sup>6</sup> The Antidegradation Policy:

[https://www.waterboards.ca.gov/board\\_decisions/adopted\\_orders/resolutions/1968/rs68\\_016.pdf](https://www.waterboards.ca.gov/board_decisions/adopted_orders/resolutions/1968/rs68_016.pdf).

that prescribed in the policies. The Antidegradation Policy further requires that discharges comply with waste discharge requirements that will result in the best practicable treatment or control of the discharge necessary to assure that pollution or nuisance will not occur and that the highest water quality, consistent with the maximum benefit to the people of the state, will be maintained.

2. High quality waters are those surface waters or areas of groundwater that have a baseline water quality better than required by water quality control plans and policies. This determination is made on a waterbody-by-waterbody and constituent-by-constituent basis. In the context of diffuse discharges regulated by a general order, the State Water Board provided the following guidance on determinations of whether a discharge impacts high quality waters:

*When assessing baseline water quality for a general order, we find a general review and analysis of readily available data is sufficient. . . .Regional water boards should not delay the implementation of a regulatory program in order to conduct a comprehensive baseline assessment and analysis—especially where, as here, the general order imposes essentially the same iterative approach for management practices and other requirements regardless of whether or not the receiving water is high quality<sup>7</sup>.*

3. The Order is consistent with the Antidegradation Policy because implementing the conditions of the Order will result in a net benefit to water quality. The Order contains requirements that project proponents implement best management practices and on-the-ground prescriptions for projects to provide riparian and shade protections and enhancements, address controllable sediment discharge sources, and promote beneficial aquatic habitat restoration projects ensure that road and watercourse crossing construction and reconstruction. Attachment A of the Order includes general mitigation measures designed to prevent or minimize environmental impacts from incidental short term increases in erosion and sediment delivery and/or alterations to riparian systems resulting from project activities. The best management practices and mitigation measures required by the Order, constitute the best practicable treatment or control measures necessary to prevent or minimize impacts to water quality.
4. This Order requires that discharges of waste from rural road projects shall not cause surface water to be degraded, exceed water quality objectives, unreasonably affect beneficial uses of water, or cause a condition of pollution or nuisance. The attached

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<sup>7</sup> *In the Matter of Review of Waste Discharge Requirements General Order No. R5-2012-0116 for Growers Within the Eastern San Joaquin River Watershed that are Members of the Third-Party Group*, SWRCB Order No 2018-0002 (2018): [https://www.waterboards.ca.gov/board\\_decisions/adopted\\_orders/water\\_quality/2018/wqo2018\\_0002\\_with\\_data\\_fig1\\_2\\_appendix\\_a.pdf](https://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2018/wqo2018_0002_with_data_fig1_2_appendix_a.pdf).

Monitoring and Reporting Program requires surface water monitoring to evaluate whether the physical, chemical, and biological conditions of a waterbody are supporting beneficial uses and land use activities are sufficiently protective of water quality. Robust and sustained water quality monitoring programs can also provide insights into watershed impairments and whether a waterbody is suitable for listing or delisting under Section 303(d) of the Clean Water Act. The effectiveness of management measures will be evaluated through required monitoring and reporting. Management measures and monitoring may be modified as data are assessed and reported and whenever site evaluations show that measures need to be improved to meet water quality standards.

### **G. California Wetlands Conservation Policy**

1. In 1993, California Governor Pete Wilson signed the California Wetlands Conservation Policy, Executive Order W-59-53<sup>8</sup>. The goals of the California Wetlands Conservation Policy are to achieve a long-term increase of wetlands acreage, function, and values in California. Per design, conservation practices implemented through the Order are expected to be implemented in a manner consistent with the California Wetlands Conservation Policy goals. Applicable projects implemented through the Order are expected to result in a long-term net gain in the quantity, quality, and permanence of wetlands acreage and values as a result of project implementation.

### **H. Total Maximum Daily Load Implementation Policy Statement for Sediment-Impaired Receiving Waters in the North Coast Region**

1. In 2004, as part of its efforts to control sediment waste discharges and restore sediment impaired water bodies, the Regional Water Board adopted the *Total Maximum Daily Load Implementation Policy Statement for Sediment Impaired Receiving Waters in the North Coast Region*, Resolution R1-2004-0087 (Sediment TMDL Implementation Policy)<sup>9</sup>. The Sediment TMDL Implementation Policy states that Regional Water Board staff shall control sediment pollution by using existing permitting and enforcement tools. The goals of the Sediment TMDL Implementation Policy are to control sediment waste discharges to impaired water bodies so that the TMDLs are met, sediment water quality objectives are attained, and beneficial uses are no longer adversely affected by sediment.

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<sup>8</sup>The California Wetlands Conservation Policy:  
[https://www.waterboards.ca.gov/water\\_issues/programs/cwa401/docs/wrapp2008/executive\\_order\\_w59\\_93.pdf](https://www.waterboards.ca.gov/water_issues/programs/cwa401/docs/wrapp2008/executive_order_w59_93.pdf).

<sup>9</sup> Information about the Sediment TMDL Implementation Policy can be found at the following web address:  
[https://www.waterboards.ca.gov/northcoast/water\\_issues/programs/tmdls/sediment\\_tmdl\\_implementation/](https://www.waterboards.ca.gov/northcoast/water_issues/programs/tmdls/sediment_tmdl_implementation/).

2. The Sediment TMDL Implementation Policy directed staff to develop: 1) the Work Plan, which describes how and when permitting and enforcement tools are to be used; 2) the Guidance Document on Sediment Waste Discharge Control; 3) the Sediment TMDL Implementation Monitoring Strategy; and 4) the Desired Conditions Report. This Order implements the Sediment TMDL Implementation Policy directives by requiring that road and watercourse crossing construction and reconstruction projects incorporate all necessary BMPs to prevent or minimize sediment discharge.
3. The goals and requirements of the Sediment TMDL Implementation Policy apply region-wide, regardless of whether a project is located in a 303(d) listed watershed or not.

### **I. Policy for the Implementation of the Water Quality Objective for Temperature**

1. In 2014, the Regional Water Board adopted the *Policy for the Implementation of the Water Quality Objective for Temperature (Temperature Policy)*<sup>10</sup>, Resolution R1-2014-0006. The Temperature Policy directs the Regional Water Board and its staff to develop and implement permits that prevent, minimize, and mitigate temperature alterations associated with activities that have the potential to reduce riparian shading of waterbodies, increase sediment delivery, alter stream channel geometry, and reduce instream flows or sources of cold water and cold water refugia.
2. Page 28 of the Staff Report<sup>11</sup> for the Temperature Policy contains the following passage:

*Short-term reduction of effective shade associated with fuels reduction projects in riparian areas may be appropriate when the long-term benefits are considered. In such cases, the impacts of vegetation thinning are weighed against the long-term benefits of a riparian ecosystem that is resilient against fire impacts. Similarly, the short-term reduction of shade associated with thinning projects designed to increase the growth rate of retained trees or replace suppressed trees with vigorous saplings may represent an acceptable tradeoff if the project results in increased shade levels in a shorter timeframe. Likewise, a short-term reduction of effective shade associated with efforts to increase deciduous hardwood species in a riparian zone may be appropriate where it can be demonstrated that natural primary productivity levels are suppressed due to a lack of nutrients, leading to a reduced capacity to*

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<sup>10</sup> Information about the Temperature Policy can be found at the following web address: [https://www.waterboards.ca.gov/northcoast/water\\_issues/programs/basin\\_plan/temperature\\_amendment/](https://www.waterboards.ca.gov/northcoast/water_issues/programs/basin_plan/temperature_amendment/).

<sup>11</sup> The Temperature Policy Staff Report: [https://www.waterboards.ca.gov/northcoast/water\\_issues/programs/basin\\_plan/140516\\_temp/140327\\_Temp\\_Policy\\_Staff\\_Report\\_ADOPTED.pdf](https://www.waterboards.ca.gov/northcoast/water_issues/programs/basin_plan/140516_temp/140327_Temp_Policy_Staff_Report_ADOPTED.pdf).

*support beneficial uses, or actions proposed to improve conifer site occupancy in forest stands currently dominated by evergreen hardwoods.*

*In each of the situations described above, the Regional Water Board considers the short-term impacts of the proposed action in light of the site-specific conditions in the affected area. Factors taken into consideration include existing water temperatures relative to biological thresholds, the level of solar radiation increase associated with the project, likely temperature impacts associated with the project, the current capacity for support of beneficial uses, condition of riparian vegetation in adjacent reaches, and the expected amount of time for necessary for riparian recovery.*

3. This Order implements the Temperature Policy directives by requiring Dischargers to protect and maintain designated riparian zones and retain as much understory brush and as many trees as feasible, emphasizing shade producing and bank stabilizing vegetation. Disturbance of riparian vegetation must be avoided or minimized. When removed pursuant to the provisions of the work, riparian vegetation shall be cut off no lower than ground level to promote rapid re-growth (Attachment A, General Mitigation Measures).

#### **J. Policy in Support of Restoration in the North Coast Region**

1. In 2015, the Regional Water Board adopted the *Policy in Support of Restoration in the North Coast Region* (Restoration Policy)<sup>12</sup>. The Restoration Policy describes in detail 1) the importance of restoration projects for the protection, enhancement, and recovery of beneficial uses, 2) the obstacles that slow or preclude restoration actions, 3) the legal and procedural requirements for permitting restoration projects, 4) the ongoing Regional Water Board effort to provide support towards the implementation of restoration projects, and 5) direction to staff to continue to support restoration in the future.
2. This Order supports the goals of the Restoration Policy by promoting the implementation of beneficial aquatic habitat restoration projects, providing regulatory coverage for these activities, and encouraging implementation of these through development of Sediment Source Treatment Plans to address controllable sediment discharge sources.
3. This Order promotes the goals of the Restoration Policy through its stated support for the U.S. Forest Service's Watershed Conditions Framework, through which national forests develop priority watershed-based strategies to address sources of pollution and conduct aquatic habitat restoration activities.

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<sup>12</sup> Information about the Regional Water Board's Restoration Program and Policy can be found at the following web address:

[https://www.waterboards.ca.gov/northcoast/water\\_issues/programs/Restoration/](https://www.waterboards.ca.gov/northcoast/water_issues/programs/Restoration/).

## **K. California Environmental Quality Act**

1. The Regional Water Board, acting as the lead agency under the California Environmental Quality Act<sup>13</sup> (CEQA), adopted a Mitigated Negative Declaration (SCH No. XXXXXXXX) as part of the development of this Order. Additionally, the following categorical exemptions are also applicable: California Code of Regulations title 14, section 15301 (existing facilities); section 15304 (minor alterations to land); section 15307 (actions by regulatory agencies for protection of natural resources); and section 15308 (actions by regulatory agencies for protection of the environment). Mitigation measures necessary to reduce or eliminate significant impacts on the environment and monitoring and reporting are incorporated as conditions in this Order.
2. The Order may authorize projects that temporarily exceed water quality objectives and/or result in temporary impacts. However, the net outcome of the Order requirements (e.g., implementation of best management practices, controllable sediment discharge source treatments, riparian/shade protections, etc.) are designed to avoid, minimize, or mitigate for any potential environmental impacts.

## **II. Tribal Consultations and Community Outreach and Engagement**

### **A. Tribal Consultations**

1. On October 4, 2023, 107 tribal consultation invitation letters pursuant to Assembly Bill 52 and Executive Order B-10-11 were issued to California Native American Tribes in the North Coast Region (Tribes). The purpose of the consultation invitation letters was to notify Tribes of the development of the Rural Roads General Order and supporting Mitigated Negative Declaration. No tribes elected to consult with the Regional Water Board.

### **B. Community Outreach and Engagement**

1. Water Code section 189.73 requires the Water Boards to conduct equitable, culturally relevant outreach when considering proposed discharges of waste that may have disproportionate impacts on water quality in disadvantaged or tribal communities. Water Code section 13149.2 requires the Water Boards to make findings on anticipated water quality impacts in disadvantaged or tribal communities as a result of a permitted activity or facility, any environmental justice concerns within a Water Board's authority that are raised by interested persons regarding those water quality impacts, and available measures within the Water Board's authority to address those water quality impacts when adopting water quality control plans; policies for water quality control; regional or statewide waste discharge

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<sup>13</sup> Public Resources Code, sections 21000-21777.

requirements or waivers; or certain individual waste discharge requirements or waivers.

2. The Rural Roads General Order authorizes activities that have the potential to discharge waste to waters of the state, and as such, Regional Water Board staff conducted actions consistent with Water Code sections 189.73 and 13149.2 requirements as part of the development of the Order. All activities undertaken pursuant to the Order must comply with applicable best management practices (BMPs) for water quality protection identified in the NOI, which are designed to minimize potential water quality impacts at a given project location and in downstream receiving waterbodies. In some circumstances, however, activities associated with a rural road project could cause a significant discharge of waste, such as a landslide or hazardous materials spill, which may have the potential to result in a disproportionate impact to a disadvantaged community or tribal community.
3. Regional Water Board staff conducted several actions to provide meaningful outreach to disadvantaged communities and tribal governments that could be affected because of the adoption and implementation of this Order, including the following:
  - a. Conducted outreach to 107 Tribes in the North Coast Region to provide an opportunity to conduct government-to-government consultations regarding the scope and purpose of the Rural Roads General Order and its supporting CEQA analysis.
  - b. Consistent with Water Code section 189.7, the Regional Water Board conducted outreach to potentially affected disadvantaged and Tribal communities and other interested persons through widespread circulation of the draft Order and notice of the opportunity to comment and participate at its public hearing.
  - c. Held a public hearing in April 2024, including an opportunity for member of the public to provide written and oral statements to the Regional Water Board as its members consider adoption of the Order.